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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FORTY-NINTH SESSION

(1 February-12 March 1993)

ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS, 1993

SUPPLEMENT No. 3

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

An asterisk after the name of a State indicates a State not member of the Commission, which may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Annexes I to IV to the present report have been issued separately as *Official Records of the Economic and Social Council, 1993, Supplement No. 3A* (E/1993/23/Add.1–E/CN.4/1993/122/Add.1).

E/1993/23
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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Human rights and extreme poverty

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/13 of 26 February 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/27 of 27 August 1992,

1. Approves the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty with responsibility for preparing a study on this subject on the basis of the aspects set out by the Commission on Human Rights in its resolutions 1989/10 of 2 March 1989, 1990/15 of 23 February 1990 and 1991/14 of 22 February 1991, bearing particularly in mind the approach defined in Commission resolution 1992/11 of 21 February 1992;

2. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with governments, specialized agencies and intergovernmental and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

3. Also requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, including, as appropriate, assistance from consultants with specialized knowledge of the subject.

[See chap. II, sect. A, resolution 1993/13, and chap. VII.]

II. Monitoring the transition to democracy in South Africa

The Economic and Social Council,

Recalling its resolution 1992/3 of 20 July 1992,

Noting the statement of the Special Rapporteur, Mr. Ahmed Khalifa, in presenting his last report (E/CN.4/Sub.2/1992/12 and Add.1), that in the light of recent events the list of institutions giving support to the South African regime should be discontinued,

Noting also that it is of paramount importance to monitor the process towards democracy and social justice in South Africa,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his considerable contribution to the cause of eliminating the policy of apartheid;

2. Expresses its thanks to all Governments and organizations that supplied the Special Rapporteur with information;

3. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Ms. Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa, including:

(a) Steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa;

(b) Steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how this problem is being addressed;

(c) Steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands;

(d) Steps taken to ensure the enjoyment by all South Africans, without discrimination, of economic and social rights;

(e) An analysis of the obstacles preventing the democratization of South Africa and ways and means of eliminating them;

4. Requests the Secretary-General to extend to the Special Rapporteur all the assistance that she may require in the exercise of her mandate.

[See chap. II, sect. A, resolution 1993/19, and chap. VI.]

III. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/34 of 5 March 1993,

1. Authorizes the meeting of an open-ended working group of the Commission on Human Rights with a view to continuing the elaboration of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to be held between sessions for a period of two weeks prior to the fiftieth session of the Commission on Human Rights;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1993/28) to Governments, the specialized agencies, the chairmen of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1993/34, and chap. X.]

IV. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/92 of 10 March 1993,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities to the working group for its meetings;

3. Also requests the Secretary-General to circulate the report, including the text adopted on first reading, to the Governments of all States Members of the United Nations and members of competent specialized agencies and to interested intergovernmental and non-governmental organizations, with an invitation to submit written comments on the first reading text (E/CN.4/1993/64, annex I) for consideration by the working group at its next session.

[See chap. II, sect. A, resolution 1993/92, and chap. XXIII.]

B. Draft decisions

1. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/2 A of 15 February 1993, approves the Commission's decision to appoint a special rapporteur with the following mandate:

(a) To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;

(b) To receive communications, to hear witnesses, and to use such modalities of procedure as he may deem necessary for his mandate;

(c) To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories.

[See chap. II, sect. A, resolution 1993/2 A, and chap. IV.]

2. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/6 of 19 February 1993, approves the Commission's requests to the Secretary-General:

(a) To ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia;

(b) To provide appropriate additional resources, within existing overall United Nations resources, to fund the operational presence of the Centre for Human Rights within the framework of other United Nations activities in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia;

(c) To appoint a special representative:

- (i) To maintain contact with the Government and people of Cambodia;
- (ii) To guide and coordinate the United Nations human rights presence in Cambodia;
- (iii) To assist the Government in the promotion and protection of human rights;

(iv) To report to the General Assembly at its forty-eighth session and the Commission on Human Rights at its fiftieth session.

[See chap. II, sect. A, resolution 1993/6, and chap. IX.]

3. Situation of human rights in the territory of the former Yugoslavia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/7 of 23 February 1993, approves:

(a) The Commission's request to the Secretary-General immediately to provide additional resources and personnel to the Commission of Experts sufficient to enable it to fulfil its mandate effectively;

(b) The Commission's decision to extend the mandate of the Special Rapporteur for one year;

(c) The Commission's request to the Secretary-General to take steps to ensure the full and effective cooperation of all United Nations bodies to implement Commission resolution 1993/7 and, pursuant to paragraph 21 of General Assembly resolution 47/147 of 18 December 1992, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate and, in particular, to provide for the appointment of field staff in the territory of the former Yugoslavia to provide first-hand, timely reports on observance or violations of human rights in their area of assignment.

[See chap. II, sect. A, resolution 1993/7, and chap. XXVII.]

4. Rape and abuse of women in the territory of the former Yugoslavia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/8 of 23 February 1993, approves the Commission's requests:

(a) To the Special Rapporteur on the situation of human rights in the former Yugoslavia to pursue a specific investigation into the rape and abuse of women and children in the former Yugoslavia, including the dispatch of a qualified team of experts, to coordinate with the relevant thematic special rapporteurs of the Commission, with the mission dispatched by the European Council and with any other missions and to present a further report to the Commission;

(b) To the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention.

[See chap. II, sect. A, resolution 1993/8,
and chap. XXVII.]

5. Situation of human rights in South Africa

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/9 of 26 February 1993, approves the Commission's decision to renew for a further period of two years the mandate of the Ad Hoc Working Group of Experts on southern Africa.

[See chap. II, sect. A, resolution 1993/9,
and chap. V.]

6. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/20 of 2 March 1993, approves the Commission's decision to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, also approves the Commission's request to the Secretary-General to provide the special rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions, especially in carrying out missions and following them up, and further approves the Commission's request to the special rapporteur to report to the Commission on an annual basis, beginning at its fiftieth session.

[See chap. II, sect. A, resolution 1993/20,
and chap. XVI.]

7. Respect for the right of everyone to own property alone as well as in association with others

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/21 of 4 March 1993, approves the Commission's decision to renew for one year the mandate of the independent expert on the right to own property alone as well as in association with others, and also approves the Commission's request to the Secretary-General to provide assistance to the independent expert.

[See chap. II, sect. A, resolution 1993/21,
and chap. VII.]

8. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/22 of 4 March 1993, approves:

(a) The Commission's decision to establish, initially for a three-year period, a working group on the right to development, to identify obstacles to the implementation and realization of the Declaration on the Right to Development and to recommend ways and means towards the realization of the right to development by all States;

(b) The Commission's request to the working group to submit to the Commission at its fiftieth session an initial, comprehensive report and to continue reporting to the Commission, on a yearly basis, on its work;

(c) The Commission's requests to the Secretary-General to ensure that the working group receives all necessary assistance, in particular the staff and resources required to fulfil its mandate, and to invite Governments and intergovernmental organizations to communicate to the Advisory Services, Technical Assistance and Information Branch sample projects on the effective implementation of the Declaration on the Right to Development.

[See chap. II, sect. A, resolution 1993/22,
and chap. VIII.]

9. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/27 of 5 March 1993, approves the Commission's endorsement of the recommendation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years.

[See chap. II, sect. A, resolution 1993/27,
and chap. XIX.]

10. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/28 of 5 March 1993, approves the Commission's decision to invite the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session to come for consultations with the members of the Bureau of the Commission at the conclusion of its forty-ninth session and the Chairman of the Sub-Commission at its forty-fifth session to report to the Commission at its fiftieth session on the progress made concerning the issues referred to in Commission resolution 1993/28 and on significant aspects of the work of the Sub-Commission.

[See chap. II, sect. A, resolution 1993/28, and chap. XIX.]

11. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/31 of 5 March 1993, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for 10 working days prior to the forty-fifth session of the Sub-Commission, and approves the Commission's requests to the Secretary-General:

(a) To give all the necessary assistance to the Working Group in discharging its task, including adequate dissemination of information about the activities of the Working Group, to Governments, specialized agencies and non-governmental and indigenous peoples' organizations, in order to encourage the widest possible participation in its work;

(b) To ensure that all meetings of the Working Group at its eleventh and future sessions are provided with interpretation and documentation in both English and Spanish.

[See chap. II, sect. A, resolution 1993/31, and chap. XIX.]

12. Human rights and forensic science

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/33 of 5 March 1993, approves the Commission's requests to the Secretary-General:

(a) To establish a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

(b) To provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing Commission resolution 1993/33.

[See chap. II, sect. A, resolution 1993/33, and chap. X.]

13. Question of arbitrary detention

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/36 of 5 March 1993, approves the Commission's request to the Secretary-General to ensure that the Working Group on Arbitrary Detention receives all the necessary assistance, particularly in regard to staffing and appropriate resources to discharge its mandate, including the organization, carrying out and follow-up of missions in countries wishing to invite the Working Group.

[See chap. II, sect. A, resolution 1993/36, and chap. X.]

14. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/40 of 5 March 1993, approves the Commission's decision to appoint an individual of recognized international standing as a special rapporteur to examine questions relevant to torture, and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its fiftieth session.

[See chap. II, sect. A, resolution 1993/40, and chap. X.]

15. Question of human rights and states of emergency

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/42 of 5 March 1993 and of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/22 of 27 August 1992, endorses the requests by the Sub-Commission:

(a) To Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergency and to include in his annual report to the Sub-Commission and the Commission recommendations on inalienable or non-derogable rights;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work, to maintain cooperation with the different sources of information and databases, and to process the information submitted to him in an effective way.

[See chap. II, sect. A, resolution 1993/42, and chap. X.]

16. Question of the impunity of perpetrators of violations of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/43 of 5 March 1993, approves the Commission's endorsement of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1992/23 of 27 August 1992, to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteurs with any assistance they require in order to discharge their tasks.

[See chap. II, sect. A, resolution 1993/43,
and chap. X.]

17. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/44 of 5 March 1993, approves the Commission's endorsement of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1992/38 of 28 August 1992, to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers, as described in Commission resolution 1993/44, and approves the request of the Commission to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1993/44,
and chap. X.]

18. Right to freedom of opinion and expression

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/45 of 5 March 1993, approves the Commission's decision to appoint, for a period of three years, a special rapporteur on the promotion and protection of the right to freedom of opinion and expression, also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary, within existing overall United Nations resources, to fulfil his or her mandate, and further approves the Commission's request to the Special Rapporteur to submit a report to the Commission on an annual basis, beginning at its fiftieth session.

[See chap. II, sect. A, resolution 1993/45,
and chap. X.]

19. Protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS)

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/53 of 9 March 1993, approves the Commission's endorsement of the requests by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its decision 1992/108 of 27 August 1992, to its Special Rapporteur on discrimination against people infected with the human immunodeficiency virus (HIV) or people with acquired immunodeficiency syndrome (AIDS), Mr. Luis Varela Quirós, to submit his final report to the Sub-Commission at its forty-fifth session, and to the Secretary-General to give the Special Rapporteur such assistance as he may require to accomplish his work.

[See chap. II, sect. A, resolution 1993/53, and chap. XI.]

20. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/55 of 9 March 1993, approves the Commission's requests to the Secretary-General:

(a) To finance attendance by representatives of national institutions from developing countries at the World Conference on Human Rights from the voluntary fund for the World Conference;

(b) To continue organizing the international workshop in 1993, following the World Conference, to include in the agenda of the workshop the issues of promoting the establishment of national institutions and strengthening existing national institutions through international cooperation, and to take into account the results of the meeting of representatives of national institutions within the framework of the World Conference.

[See chap. II, sect. A, resolution 1993/55, and chap. XI.]

21. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/57 of 9 March 1993, in which the Commission welcomed the interest of some Governments in the region in hosting an Asian-Pacific regional meeting in 1993/1994 to follow up the discussion on the region's consultative mechanism, approves the Commission's request to the Secretary-General to facilitate the realization of that activity under the regular budget for advisory services and technical assistance.

[See chap. II, sect. A, resolution 1993/57, and chap. XI.]

22. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/60 of 10 March 1993, approves the Commission's decision to appoint an individual of recognized international standing and expertise in human rights as special rapporteur on the situation of human rights in the Sudan, also approves the Commission's request to the Special Rapporteur to establish direct contact with the Government and with the people of the Sudan and to investigate and report on the situation to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate.

[See chap. II, sect. A, resolution 1993/60, and chap. XII.]

23. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/62 of 10 March 1993, approves the Commission's decision to extend the mandate of the Special Representative for a further year, also approves the Commission's request to the Special Representative to submit an interim report to the General Assembly at its forty-eighth session on the situation of human rights in the Islamic Republic of Iran and to report to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative.

[See chap. II, sect. A, resolution 1993/62, and chap. XII.]

24. Situation of human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/63 of 10 March 1993, approves the Commission's decision to extend the mandate of the Special Rapporteur for one year, also approves the Commission's requests to the Special Rapporteur to maintain direct contact with the Government and citizens of Cuba, to submit an interim report to the

General Assembly at its forty-eighth session and to report to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1993/63, and chap. XII.]

25. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/66 of 10 March 1993, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Afghanistan, also approves the Commission's request to the Special Rapporteur to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1993/66, and chap. XII.]

26. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/68 of 10 March 1993, approves the Commission's decision to extend for a further year the mandate of the Special Rapporteur, also approves the Commission's request to the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-eighth session and a final report to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the performance of his mandate.

[See chap. II, sect. A, resolution 1993/68, and chap. XII.]

27. Situation in Equatorial Guinea

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/69 of 10 March 1993, approves the Commission's decision to appoint an individual of recognized international standing in the field of human rights as special rapporteur on the situation of human rights in Equatorial Guinea, and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1993/69, and chap. XII.]

28. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/73 of 10 March 1993, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and the people of Myanmar, and also approves the Commission's request to the Special Rapporteur to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session.

[See chap. II, sect. A, resolution 1993/73, and chap. XII.]

29. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/74 of 10 March 1993, approves the Commission's decision to extend the mandate of the Special Rapporteur for a further year, also approves the Commission's request to the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its forty-eighth session and a report to the Commission at its fiftieth session, and further approves the Commission's requests to the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors and to provide the Special Rapporteur with all the necessary assistance in performing his task.

[See chap. II, sect. A, resolution 1993/74, and chap. XII.]

30. Application of international standards concerning the human rights of detained juveniles

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/80 of 10 March 1993, approves the proposal by the Secretary-General to organize, within the framework of the programme of human rights activities for 1994, a meeting of experts on the application of international standards concerning the human rights of detained juveniles, also approves representation of the Committee on the Rights of the Child, the Working Group on Contemporary Forms of Slavery and the Working Group on Detention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at the meeting, and further approves the endorsement by the Commission of the Sub-Commission's request to the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts.

[See chap. II, sect. A, resolution 1993/80, and chap. XXIV.]

31. Assistance to Georgia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/85 of 10 March 1993, approves the Commission's request to the Secretary-General to evaluate the needs for support and technical assistance to the Government of Georgia through the provision of advisory services aimed at furthering legislation in constitutional and institutional matters and at providing national and local institutions with the necessary expertise to implement the international standards in the field of human rights.

[See chap. II, sect. A, resolution 1993/85,
and chap. XXI.]

32. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/86 of 10 March 1993, approves the Commission's requests to the Secretary-General:

(a) To appoint for a period of one year a person having wide experience in the field of human rights as an independent expert, in his or her individual capacity, to assist the Special Representative for Somalia;

(b) To give priority to implementing the programme recommended by the independent expert;

(c) To provide appropriate additional resources, within existing overall United Nations resources, to fund the activities of the independent expert and the Centre for Human Rights in implementing Commission resolution 1993/86.

[See chap. II, sect. A, resolution 1993/86,
and chap. XXI.]

33. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/87 of 10 March 1993, approves the Commission's requests to the Secretary-General:

(a) To provide as a matter of urgency more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources and particularly from section 07 of the regular budget concerning technical cooperation;

(b) To appoint a board of trustees for the Voluntary Fund for Technical Cooperation, composed of five persons with wide experience in the field of human rights and in technical cooperation to advise the Secretary-General on the administration and operation of the Voluntary Fund.

[See chap. II, sect. A, resolution 1993/87,
and chap. XXI.]

34. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/88 of 10 March 1993, approves the Commission's request to the Secretary-General to extend the mandate of the independent expert so that he may continue to examine the situation of human rights in Guatemala and provide assistance to the Government in the field of human rights and submit to the Commission at its fiftieth session a report assessing the measures taken by the Government in accordance with the recommendations made to it.

[See chap. II, sect. A, resolution 1993/88,
and chap. XXI.]

35. Human rights in El Salvador

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/93 of 10 March 1993, approves the Commission's request to the Secretary-General to extend the mandate of the independent expert for one year, and also approves the Commission's request to the independent expert to report to the Commission at its fiftieth session on the action taken to give effect to Commission resolution 1993/93.

[See chap. II, sect. A, resolution 1993/93,
and chap. III.]

36. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/95 of 11 March 1993, approves the Commission's request to the Secretary-General to mandate his representative for a period of two years to continue his work, with a view to identifying, where required, ways and means of improving protection for and assistance to internally displaced persons, and also approves the Commission's request to the representative of the Secretary-General to submit annual reports on his activities to the Commission and to the General Assembly and to make any suggestions and recommendations enabling him to better carry out his tasks and activities.

[See chap. II, sect. A, resolution 1993/95,
and chap. XI.]

37. Procedure for special sessions of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/96 of 11 March 1993, recalling its own resolution 1990/48 of 25 May 1990, in which it authorized the Commission on Human Rights to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agreed, mindful of the need for the Commission on Human Rights to deal with urgent and acute human rights situations in the most expeditious way, recognizing the need to specify the procedure to be followed in the case of a request for a special session of the Commission on Human Rights, decides that the procedure for convening special sessions of the Commission on Human Rights in accordance with its resolution 1990/48 shall be that contained in the annex to the present decision.

ANNEX

Procedure for special sessions of the Commission on Human Rights

1. Any State Member of the United Nations may request the Secretary-General to convene a special session of the Commission on Human Rights. Such a request shall be submitted, together with the reasons for the request, to the Assistant Secretary-General for Human Rights at Geneva.

2. The following rules shall apply for the consideration of such requests:

(a) The Assistant Secretary-General shall immediately transmit the request, together with the reasons given, to the States members of the Commission by the most expeditious means of communication available and inquire whether or not they support the request;

(b) States members of the Commission shall, within four United Nations working days from the date of the communication from the Assistant Secretary-General, express in writing their views concerning the request;

(c) The replies from States members of the Commission must reach the office of the Assistant Secretary-General for Human Rights not later than 6 p.m. Geneva time on the fourth day;

(d) The Assistant Secretary-General shall duly inform the States members of the Commission of the results of the inquiry and, if the majority of States members have expressed support for the convening of a special session of the Commission within the deadline referred to in paragraph 2 (c) above, in conformity with Economic and Social Council resolution 1990/48 of 25 May 1990, the Assistant Secretary-General shall communicate the opening date of the special session;

(e) The special session shall open between the fourth and the sixth United Nations working day after the deadline referred to in paragraph 2 (c) above.

3. In considering the appropriateness of holding a special session, States members of the Commission may take into consideration whether the Economic and Social Council or the General Assembly is in regular session and is, or is likely to be, seized of the matter concerned;

4. The duration of the special session shall, in principle, not exceed three days.

5. The rules of procedure of such a special session shall be the rules of procedure of the functional commissions of the Economic and Social Council.

6. The Commission on Human Rights meeting in special session may take the same decisions as at its regular sessions.

7. If the Commission in special session requests the submission of a report on the matter under consideration, the report, together with any information provided by the State concerned, shall be distributed promptly by the Assistant Secretary-General to all States members of the Commission.

8. If the report and the information referred to in paragraph 7 above are not considered by the Commission meeting in special session on the issue, they shall be considered at the next regular session of the Commission or the General Assembly or at the next substantive session of the Economic and Social Council, whichever occurs earlier.

[See chap. II, sect. A, resolution 1993/96, and chap. XI.]

38. Promoting the realization of the right to adequate housing

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/103 of 4 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/26 of 27 August 1992, approves the endorsement by the Commission of the decision of the Sub-Commission to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing and to request him to carry out a two-year study on this issue, and also approves the endorsement by the Commission of the requests of the Sub-Commission to:

(a) The Special Rapporteur to submit to the Sub-Commission, at its forty-fifth session, a progress report on the promotion of the realization of the right to adequate housing, taking into account the comments made during the discussion of his working paper (E/CN.4/Sub.2/1992/15) at its forty-fourth session;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his study and to compile and analyse the information and documents collected.

[See chap.II, sect. B, decision 1993/103, and chap. VII.]

39. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/104 of 4 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/28 of 27 August 1992, approves the endorsement by the Commission of the decision of the Sub-Commission to entrust Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements, and also approves the endorsement by the Commission of the Sub-Commission's request to the Secretary-General to give the Special Rapporteurs all the assistance necessary for their study.

[See chap. II, sect. B, decision 1993/104, and chap. VII.]

40. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/105 of 5 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1992/110 of 27 August 1992, approves the endorsement by the Commission of the Sub-Commission's request to the Special Rapporteur to submit a second progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations at its twelfth session and to the Sub-Commission at its forty-sixth session, and also approves the endorsement by the Commission of the Sub-Commission's decision to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultations with the Centre for Human Rights.

[See chap. II, sect. B, decision 1993/105, and chap. XIX.]

41. Right to a fair trail

The Economic and Social Council, recalling its decision 1992/230 of 20 July 1992, and taking note of Commission on Human Rights decision 1993/106 of 5 March 1993, approves the endorsement by the Commission of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/21 of 27 August 1992 to Mr. Stanislav Chernichenko and Mr. William Treat to continue their study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary for the completion of their task.

[See chap. II, sect. B, decision 1993/106, and chap. X.]

42. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/107 of 5 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/32 of 27 August 1992, approves the endorsement by the Commission of the request of the Sub-Commission to Mr. Theo van Boven, Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, to continue his study, and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, and also approves the endorsement by the Commission of the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his final report.

[See chap. II, sect. B, decision 1993/107, and chap. X.]

43. Human Rights and the environment

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/114 of 10 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/31 of 27 August 1992, approves the endorsement by the Commission of the requests of the Sub-Commission:

(a) To the Special Rapporteur on human rights and the environment, Ms. Fatma Zohra Ksentini, to prepare a second progress report containing additional information on and an analysis of decisions and views of Governments, United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations, indigenous peoples' organizations and international human rights organizations, as well as information on and an analysis of national law and practice;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study and the necessary assistance to compile and analyse the information and documents collected.

[See chap. II, sect. B, decision 1993/114,
and chap. XIV.]

44. Organization of the work of the fiftieth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/116 of 12 March 1993, decides to authorize, if possible within existing financial resources, forty fully-serviced additional meetings, including summary records, for the Commission's fiftieth session, and takes note of the Commission's decision to request the Chairman of the Commission at its fiftieth session to make every effort to organize the work of the session within the time normally allotted, the additional meetings to be utilized only if they prove to be absolutely necessary.

[See chap. II, sect. B, decision 1993/116,
and chap. III]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FORTY-NITH SESSION

A. Resolutions

1993/1. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the population of the Syrian and other Arab territories occupied by Israel since 1967 and the continued Israeli military occupation, and that the human rights of the population continue to be violated,

Recalling Security Council resolution 497 (1981) of 17 December 1981, in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision,

Recalling General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988, 44/2 of 6 October 1989, 45/74 F of 11 December 1990, 46/47 F of 9 December 1991 and 47/70 F of 14 December 1992,

Recalling also General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant resolutions in which the Assembly, inter alia, demanded the immediate, unconditional and total withdrawal of Israel from the Arab territories occupied since 1967,

Recalling further General Assembly resolution 3314 (XXIX) of 14 December 1974, in which the Assembly defined an act of aggression,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations and the relevant resolutions of the Security Council and the General Assembly, and that all territories thus occupied by Israel must be returned,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/47/509) and, in this connection, deploring Israel's constant refusal to cooperate with and to receive the Special Committee, Expressing its grave alarm, after considering the above-mentioned report of the Special Committee, over Israel's flagrant and persistent violations of human rights in the Syrian and other Arab territories occupied since 1967, despite the resolutions of the Security Council and the General Assembly which repeatedly called upon Israel to put an end to such occupation,

Reaffirming its previous relevant resolutions, the most recent being resolution 1992/1 of 14 February 1992,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of The Hague Conventions of 1899 and 1907,

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel for its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and for its practices of annexation, establishment of settlements, confiscation of lands, diversion of water resources and imposing a boycott on their agricultural products; and calls upon Israel to desist from its settlement designs and policies aimed against academic institutions with the goal of distorting the historical facts and serving the objectives of occupation, and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs,

the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fiftieth session;

7. Decides to include in the provisional agenda of its fiftieth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

29th meeting
19 February 1993
[Adopted by a roll-call vote of 29 to 1,
with 17 abstentions. See chap. IV.]

1993/2. Question of the violation of human rights in the occupied Arab territories, including Palestine

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The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and The Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the relevant Security Council resolutions, in particular resolutions 252 (1968) of 25 May 1968, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Recalling also the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now, Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Noting with great concern the Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights,

Recalling all its previous resolutions on the subject,

1. Condemns the policies and practices of Israel, which violate the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, and, in particular, the opening of fire by the Israeli army and settlers on Palestinian civilians that results in killing and wounding them, as has happened continuously since the eruption of the Palestinian people's intifada against the Israeli military occupation; the imposition of restrictive economic measures; the demolition of houses; the expropriation of houses; the ransacking of property belonging individually or collectively to private persons; collective punishment; arbitrary and administrative detention of thousands of Palestinians; the confiscation of property of Palestinians, including their bank accounts; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in Israeli prisons and detention centres; and the establishment of Jewish settlements in the occupied Palestinian territory;

2. Affirms the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with the relevant United Nations resolutions, consistent with the purposes and principles of the Charter of the United Nations, as has been expressed by the Palestinian people in their brave intifada since December 1987, in legitimate resistance against the Israeli military occupation;

3. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law, and its commitments to the provisions of the Charter and resolutions of the United Nations;

4. Decides to appoint a special rapporteur with the following mandate:

(a) To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;

(b) To receive communications, to hear witnesses, and to use such modalities of procedure as he may deem necessary for his mandate;

(c) To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories;

5. Calls upon Israel to cooperate with the Special Rapporteur and facilitate his task;

6. Also calls upon Israel to withdraw from the Palestinian territory, including Jerusalem, and other occupied Arab territories in accordance with the resolutions of the United Nations, including those of the Commission, in this regard;

7. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fiftieth session;

8. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

9. Decides to consider the question at its fiftieth session as a matter of priority.

29th meeting
19 February 1993
[Adopted by a roll-call vote of 26 to 16,
with 5 abstentions. See chap. IV.]

B

The Commission on Human Rights,

Recalling Security Council resolutions related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories and the condemnation by the Security Council of Israel for its refusal to abide by the Convention, particularly resolutions 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 497 (1981) of 17 December 1981, 592 (1986) of 8 December 1986, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992, Recalling all relevant General Assembly resolutions on the applicability to the occupied Palestinian territory of the Convention which urge Israel's commitment to and respect for their provisions,

Recalling also the decisions of the International Conference of the Red Cross in respect of the application of the Convention in all circumstances and the statements of the International Committee of the Red Cross which condemn the continuous grave violations by Israel of the provisions of the Convention and its refusal to apply those provisions in the occupied territories,

Taking into account that the States parties to the Convention undertake, in accordance with article 1 thereof, to respect, and ensure respect for, the Convention in all circumstances,

Noting with great concern the report of the Secretary-General (S/25149) submitted to the Security Council, which affirmed the refusal of Israel to comply with the resolutions of the Security Council and recommended that the Security Council take the necessary measures to force Israel to adhere to resolution 799 (1992) and to implement it,

Recalling all its previous resolutions on the subject,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and that Israel's long-standing refusal to apply the Convention to those territories has led to the perpetration by the Israeli authorities of grave violations of human rights against Palestinian citizens, and calls upon Israel to comply with its international commitments, to respect the Convention and to apply it in the occupied Palestinian territory, including Jerusalem;

2. Urges once more all States parties to the Convention to make every effort to ensure the Israeli occupation authorities' respect for and compliance with the provisions of the Convention in the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and to undertake the necessary practical measures to ensure the provision of international protection for the Palestinian people under occupation, in accordance with the provisions of article 1 and other relevant articles of the Convention as well as article 89 of Additional Protocol I to the four Geneva Conventions; also urges the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to act in accordance with article 90 of Additional Protocol I by requesting the fact-finding commission referred to therein to investigate the grave violations of international humanitarian law in the occupied Palestinian territory mentioned in the present resolution;

3. Strongly condemns once more the refusal of Israel to apply the Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, Israel's policies of perpetrating crimes of torture against Palestinian detainees and prisoners in Israeli prisons and concentration camps

and its continued deliberate disregard for the provisions of the Convention, in contravention of resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

4. Strongly condemns Israel for its grave violations of article 49 of the Convention and for continuing its policy of deporting Palestinian citizens and of expelling them from their homeland, as happened to more than four hundred Palestinian citizens on 17 December 1992, and calls upon Israel to comply with the resolutions of the Security Council, particularly resolutions 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992, as well as with the relevant resolutions of the General Assembly and the Commission on Human Rights, and to refrain from such a policy which violates the principles of international law;

5. Calls upon Israel to allow all those who have been deported since 1967 to return to their homeland without delay in implementation of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

6. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations, international humanitarian organizations and non-governmental organizations, and to report on progress in its implementation by the Government of Israel to the Commission on Human Rights at its fiftieth session;

7. Decides to consider the question at its fiftieth session as a matter of high priority.

29th meeting
19 February 1993
[Adopted by a roll-call vote of 27 to 1,
with 19 abstentions. See chap. IV.]

1993/3. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including Jerusalem, _Recalling_ its resolutions 1990/1 of 16 February 1990, 1991/3 of 15 February 1991 and 1992/3 of 14 February 1992, which, _inter alia_, reaffirmed the illegality of the Israeli settlements in the occupied territories,

Gravely concerned at the large-scale establishment by the Israeli Government of settlers, including immigrants, in the occupied territories, which may change the physical character and demographic composition of the occupied territories,

Taking into account the need to create the stable environment required for progress in the negotiation process following the Peace Conference on the Middle East convened in Madrid on 30 October 1991,

Convinced that a complete cessation by Israel of its policy of settlement would constitute a meaningful contribution to the creation of that environment,

1. _Reaffirms_ that the installation of Israeli civilians in the occupied territories is illegal and constitutes a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

2. _Regrets_ that the Government of Israel has not fully complied with the provisions of Commission on Human Rights resolutions 1990/1, 1991/3 and 1992/3;

3. _Urges_ the Government of Israel to abstain from installing settlers, including immigrants, in the occupied territories.

29th meeting
19 February 1993
[Adopted by a roll-call vote of 46 to 1. See chap. IV.]

1993/4. _Situation in occupied Palestine_

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right of self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960, Noting Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People which, from 1976 to 1992, have been submitted to the Security Council through the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world,

Expressing its grave concern at the persistence of Israel in preventing by force the Palestinian people from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, the relevant United Nations resolutions and the will of the international community, which has affirmed and recognized those rights,

Recalling that the military occupation by the armed forces of a State of the territory of another State constitutes an act of aggression and a crime against the peace and security of mankind, according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which has constituted the core of the Arab-Israeli conflict since 1948,

Reiterating its grave concern at the military, economic and political support given by some States to Israel, which would encourage and support Israel in its policies based on aggression, expansion and continued occupation of Palestinian and other Arab territories and the Judaization of the occupied territory by establishing Jewish settlements and settling Jewish immigrants therein,

Affirming that the directing of the immigration of Jews in an organized manner to Israel constitutes support for Israel's settlement policy in the occupied Palestinian territory and an obstacle to the exercise by the Palestinian people of their right to self-determination,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law and to withdraw from the Palestinian and other Arab territories which it has occupied since 1967 by military force, including Jerusalem, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right of self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fiftieth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda for its fiftieth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

29th meeting
19 February 1993
[Adopted by a roll-call vote of 27 to 1,
with 19 abstentions. See chap. IX.]

1993/5. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Recalling the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the sovereign equality, political independence and territorial integrity of States and the self-determination of peoples, as well as the need for scrupulous respect for the principle of the non-use of force or threat of the use of force in international relations as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

Recognizing that mercenaries are used for activities which violate these principles,

Alarmed at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States, Concerned at the grave menace that the increasing activities of mercenaries represent in many parts of the world, in particular in Africa,

Gravely concerned at the loss of life, the damage to property and the negative effects on the economies of affected States, in the southern African region and elsewhere,

Taking note with appreciation of Economic and Social Council decision 1992/225 of 20 July 1992, by which the Council approved the decision of the Commission to extend the mandate of the Special Rapporteur for three years to enable him to carry out further studies on the use of mercenaries and to make recommendations to the Commission accordingly,

Noting with appreciation the report of the Special Rapporteur (E/CN.4/1993/18), and in particular the concern expressed therein at the continuation of the activities of mercenaries in spite of Commission resolution 1992/6 of 21 February 1992,

1. Reaffirms that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States;

2. Urges all States to prevent mercenaries from using any part of their territory to destabilize any sovereign State;

3. Calls upon all States that have not yet done so to consider taking early action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

4. Requests the Special Rapporteur to report to the Commission at its fiftieth session on all further developments concerning the use of mercenaries, wherever this may occur.

29th meeting
19 February 1993
[Adopted without a vote. See chap. IX.]

1993/6. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its decision 1992/102 of 21 February 1992,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia, which will continue after the transitional period, Recognizing that Cambodia's tragic recent history requires special measures to assure the protection of human rights and the non-return to the policies and practices of the past,

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed on 23 October 1991, including part III relating to human rights,

Noting the decision to hold elections in Cambodia from 23 to 25 May 1993, and the consequent ending, three months thereafter, of the mandate of the United Nations Transitional Authority in Cambodia,

Welcoming the signature by Cambodia on 20 April 1992 of the International Covenants on Human Rights and its accession on 20 September 1992 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention relating to the Status of Refugees and the Protocol thereto,

Noting the summary and proposals contained in the report on the International Symposium on Human Rights in Cambodia held at Phnom Penh from 30 November to 2 December 1992 (E/CN.4/1993/19/Add.1),

Welcoming the establishment of the trust fund for the programme in human rights education for Cambodia, which calls for intensive collaboration between the United Nations and non-governmental organizations active in the field of human rights,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1993/19);

2. Requests the Secretary-General to ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia, inter alia through the operational presence of the Centre for Human Rights, in order to:

(a) Manage the implementation of educational and technical assistance and advisory services programmes and to ensure their continuation;

(b) Assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently acceded to, including the preparation of reports to the relevant monitoring committees;

(c) Provide support to bona fide human rights groups in Cambodia;

(d) Contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) Continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) Continue to assist with the training of persons responsible for the administration of justice;

3. Recognizes the constraints on the financial resources of the Centre for Human Rights;

4. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the operational presence of the Centre for Human Rights within the framework of other United Nations activities in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia;

5. Strongly urges Governments and interested organizations to consider contributing to the trust fund for the programme in human rights education for Cambodia;

6. Requests the Secretary-General to appoint a special representative:

(a) To maintain contact with the Government and people of Cambodia;

(b) To guide and coordinate the United Nations human rights presence in Cambodia;

(c) To assist the Government in the promotion and protection of human rights;

(d) To report to the General Assembly at its forty-eighth session and the Commission on Human Rights at its fiftieth session under the agenda item entitled "Advisory services in the field of human rights";

7. Decides to review the respective programmes and mandates set out in the present resolution at its fifty-first session;

8. Requests the Secretary-General to communicate the contents of the present resolution to, and seek the consent and cooperation of, the newly elected Government of Cambodia to facilitate the tasks of the Special Representative and the Centre for Human Rights in the fulfilment of their respective mandates.

29th meeting
19 February 1993
[Adopted without a vote. See chap. IX.]

1993/7. Situation of human rights in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of

All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, as well as principles of the Conference on Security and Cooperation in Europe,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and to prevent violations of such rights,

Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992 and the relevant resolutions of the Security Council and the General Assembly,

Recalling also General Assembly resolution 3074 (XXVIII) of 3 December 1973 entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Noting with alarm the four reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1992/S-1/9, E/CN.4/1992/S-1/10, A/47/666-S/24809 and E/CN.4/1993/50),

Gravely concerned at the human tragedy in parts of the territory of the former Yugoslavia and at the continuing massive and systematic violations of human rights occurring there, particularly in the areas of the Republic of Bosnia and Herzegovina under Serbian control,

Deeply concerned about the situation of human rights in Serbia, particularly in Kosovo, as well as in Sandzak and Vojvodina,

Alarmed that the situation of human rights in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina, has deteriorated further since the Commission met in special session to consider the situation on 30 November and 1 December 1992,

Recalling its grave concern at the continuing, odious practice of ethnic cleansing, which is the direct cause of the vast majority of human rights violations in the former Yugoslavia and whose principal victims are the Muslim population, virtually threatened by extermination,

Recalling its resolution 1992/S-2/1 in which, inter alia, it called on all States to consider the extent to which the acts committed in Bosnia and Herzegovina and Croatia constituted genocide, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly, inter alia, stated that the abhorrent policy of ethnic cleansing was a form of genocide,

Deeply disturbed at the huge number of missing persons still unaccounted for in the conflict in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina, Noting with appreciation the efforts of the Special Rapporteur appointed pursuant to resolution 1992/S-1/1, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the representative of the Secretary-General on internally displaced persons, who accompanied the Special Rapporteur on one or more of his missions,

Recalling with appreciation the continuing efforts of the International Conference on the Former Yugoslavia and the Co-Chairmen of its Steering Committee to achieve what must be a just, viable and lasting political settlement of the conflict in the former Yugoslavia,

1. Commends the Special Rapporteur for his activities to date, and in particular his latest report on the situation of human rights in the territory of the former Yugoslavia;

2. Reaffirms that all parties in the former Yugoslavia share the responsibility for finding peaceful solutions to the conflict through negotiations under the auspices of the International Conference on the Former Yugoslavia, and urges that human rights concerns be given proper priority in the peace process;

3. Notes with pleasure the observations of the Special Rapporteur regarding the positive human rights situation in the Republic of Slovenia;

4. Notes with interest the observations of the Special Rapporteur regarding the situation of human rights in the former Yugoslav Republic of Macedonia;

5. Expresses its grave concern at the conclusion of the Special Rapporteur that the influence of ultra-nationalist ideologies is growing in Serbia and other parts of the former Yugoslavia and that indoctrination and misinformation continue to encourage national and religious hatred;

6. Demands that all parties immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within the territory of the former Yugoslavia and that the International Committee of the Red Cross, the Special Rapporteur, the Office of the United Nations High Commissioner for Refugees, the missions of the European Community and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

7. Demands the immediate internationally supervised release of all persons arbitrarily or illegally detained in the former Yugoslavia and the immediate closure of all detention facilities not authorized by and in compliance with the Geneva Conventions of 12 August 1949;

8. Condemns in the strongest terms all violations of human rights and international humanitarian law in the former Yugoslavia by all sides to the conflict, recognizing that the leadership in territory under the control of

Serbs in the Republics of Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of these violations;

9. Takes note of the conclusion of the Special Rapporteur in his report (E/CN.4/1993/50, para. 261) that, with the prolongation of the conflict, more and more atrocities are being committed by other parties as well;

10. Condemns in particular the reprehensible acts identified by the Special Rapporteur as component parts of ethnic cleansing, including the forced transfer of populations, attacks on non-military targets, summary executions, arbitrary detention of civilians, the systematic practice of rape and the cutting-off of supplies of food and other essentials to civilian population centres, and urges the international community to use its influence on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the self-proclaimed Serbian authorities in the Republic of Bosnia and Herzegovina and in Croatia to bring the practice of ethnic cleansing to an immediate end and to reverse the effects of that practice, which violates fundamental principles of international human rights and humanitarian law;

11. Re-emphasizes the right of refugees, displaced persons and other victims of ethnic cleansing to return to their homes and the invalidity of forced transfers of property and other acts made under duress;

12. Condemns once again the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services, the besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with Serbian forces;

13. Condemns in particular the deliberate impeding of the delivery of food and medical supplies essential for the survival of the civilian population, which constitutes a violation of international humanitarian law, and demands that all parties to the conflict ensure that persons under their control cease all interference with deliveries of humanitarian supplies;

14. Condemns in particular the deliberate murder of the Deputy Prime Minister of the Republic of Bosnia and Herzegovina, Hakija Turajlic, by Bosnian Serb forces;

15. Condemns also the attacks on the United Nations Protection Force, which have resulted in casualties and deaths of United Nations personnel who are, inter alia, providing protection to civilians in the United Nations protected areas in Croatia and for deliveries of humanitarian assistance throughout the Republic of Bosnia and Herzegovina;

16. Condemns further all atrocities against civilians and detainees, including torture, mutilation and rape;

17. Demands that the authorities in the former Yugoslavia immediately take appropriate steps, in accordance with internationally recognized principles of due process, to apprehend and punish those who are guilty of perpetrating or authorizing the above-mentioned acts and take all necessary measures to ensure the enjoyment of human rights and fundamental freedoms, in accordance with their obligations under the relevant international instruments;

18. Affirms that all persons who perpetrate or authorize violations of international humanitarian law, including the above-mentioned acts, are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible for such violations to justice in accordance with internationally recognized principles of due process;

19. Requests all United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and the specialized agencies, and Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in the former Yugoslavia;

20. Commends those States, United Nations bodies, specialized agencies and organizations that have provided pertinent information to the Commission of Experts in accordance with Security Council resolution 780 (1992) of 6 October 1992 and requests the Special Rapporteur, as well as all States, United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and specialized agencies, and, as appropriate, international humanitarian organizations, to provide the Commission of Experts on a continuing basis with all relevant and accurate information in their possession;

21. Welcomes the work of the Commission of Experts to examine and analyse evidence of violations of international humanitarian law in the former Yugoslavia, including in particular its investigations of mass grave sites and places where mass killings are reported to have taken place;

22. Requests the Secretary-General immediately to provide additional resources and personnel to the Commission of Experts sufficient to enable it to fulfil its mandate effectively, and urges States to make available to the Commission of Experts appropriate resources, personnel and assistance for its continuing efforts;

23. Welcomes Security Council resolution 808 (1993) of 22 February 1993, by which the Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia, and invites the Secretary-General in his report to the Council to propose that the tribunal should also determine whether the crimes committed fall within the scope of the Convention on the Prevention and Punishment of the Crime of Genocide;

24. Expresses its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosovo, as described in the report of the Special Rapporteur, and condemns the violations of human rights occurring there, including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The discriminatory removal of ethnic Albanian officials, especially from the police and judiciary, the mass dismissal of ethnic Albanians from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of Albanian high schools and universities;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

25. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, and expresses its view that the best means to safeguard human rights in Kosovo is to restore its autonomy with a view to an overall political settlement of the situation in the former Yugoslavia;

26. Expresses its grave concern at the report by the Special Rapporteur of violations of human rights occurring in Sandjak and Vojvodina, particularly acts of physical harassment, abductions, the burning of homes, warrantless searches, confiscation of property and other practices intended to change the ethnic structure in favour of the Serbian population;

27. Recognizes the courage and sacrifice of many Serbs who have refused to participate in these violations;

28. Urges all parties in Serbia, particularly in Kosovo, Sandjak and Vojvodina, to engage in a substantive dialogue, act with the utmost restraint and settle disputes in full compliance with human rights and fundamental freedoms, and calls on the Serbian authorities to refrain from the use of force and the practice of ethnic cleansing and to respect fully the rights of persons belonging to minority groups in Serbia, in order to prevent the extension of the conflict to other parts of the former Yugoslavia and other States;

29. Invites the Security Council to consider establishing a United Nations observer mission, in coordination with the Special Rapporteur and the Conference on Security and Cooperation in Europe and its missions of long duration, to be deployed as soon as possible to investigate and report on alleged human rights violations in Kosovo, Sandjak and Vojvodina;

30. Expresses its concern at the Special Rapporteur's report on the human rights situation in Croatia with respect to cases of minorities who have been refused citizenship and instances of strict control by the Government over radio and television;

31. Notes with concern that many of the recommendations in the Special Rapporteur's three previous reports have not been implemented and urges all States and relevant organizations immediately to give serious consideration to the recommendations of the Special Rapporteur in his previous and present reports, in particular:

(a) The call for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons in besieged cities;

(b) The recommendation for the creation of safe areas for the protection of displaced persons, keeping in mind that the international community must not acquiesce in demographic changes caused by ethnic cleansing;

(c) The recommendation for the provision of necessary medical and psychological care to victims of rape in the former Yugoslavia within the framework of programmes to rehabilitate women and children traumatized by war and for coordinated efforts by United Nations bodies, non-governmental organizations and local communities in support of the social integration of child victims of the conflict;

(d) The suggestion regarding the role of the United Nations Protection Force concerning the protection of civilians against human rights violations;

(e) The call for more generous international assistance to refugees fleeing the conflict in the former Yugoslavia;

(f) The suggestion that there should be increased support and assistance given to initiatives taken by independent groups aimed at providing objective information to persons within the territory of the former Yugoslavia;

(g) The proposal for the creation of a voluntary fund to provide economic and social aid to assist the reconstruction of destroyed villages and towns in the former Yugoslavia;

32. Decides to extend the mandate of the Special Rapporteur for one year and requests that he continue his efforts, especially in carrying out such further missions in Serbia and other parts of the former Yugoslavia as he deems necessary, and that he continue to submit periodic reports as the situation warrants on the implementation of this and all relevant resolutions of the Commission concerning the former Yugoslavia, and requests the Secretary-General to continue to make the reports of the Special Rapporteur available to the Security Council;

33. Urges all parties to cooperate in determining the fate of thousands of missing persons in the former Yugoslavia by disclosing and exchanging

information and documentation with a view to finally locating such persons and alleviating the suffering of their relatives, and requests the Special Rapporteur, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia;

34. Requests the Secretary-General to take steps to ensure the full and effective cooperation of all United Nations bodies to implement the present resolution and, pursuant to paragraph 21 of General Assembly resolution 47/147 of 18 December 1992, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate and, in particular, to provide for the appointment of field staff in the territory of the former Yugoslavia to provide first-hand, timely reports on observance or violations of human rights in their area of assignment;

35. Decides to remain seized of this matter.

34th meeting
23 February 1993
[Adopted without a vote. See chap. XXVII.]

1993/8. Rape and abuse of women in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Recalling General Assembly resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Appalled at the recurring and substantiated reports of widespread rape and abuse of women and children in the former Yugoslavia, in particular its systematic use against the Muslim women and children in the Republic of Bosnia and Herzegovina by Serbian forces, Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned these acts of unspeakable brutality,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in the Republic of Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992 in which the Assembly stated, inter alia, that the abhorrent policy of ethnic cleansing is a form of genocide,

Welcoming the initiatives taken by the Special Rapporteur on the situation of human rights in the former Yugoslavia, Mr. Tadeusz Mazowiecki, particularly his prompt dispatch of a team of experts to the former Yugoslavia to investigate the allegations of rape and abuse of women,

Welcoming also the initiative of the European Council on the rapid dispatch of a mission, led by Dame Anne Warburton, to investigate the treatment of Muslim women in the former Yugoslavia, and the delegation's report (E/CN.4/1993/92),

Noting with deep concern the findings of the team of experts dispatched by the Special Rapporteur (E/CN.4/1993/50, annex II) and those of the mission dispatched by the European Council,

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the former Yugoslavia which, in the circumstances, constitutes a war crime;

2. Expresses its outrage that the systematic practice of rape is being used as a weapon of war against Muslim women and children and as an instrument of the policy of ethnic cleansing carried out in the Republic of Bosnia and Herzegovina by the Serbian forces, and that rape has also been used as an instrument of ethnic cleansing in Croatia;

3. Demands that those involved immediately cease these outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under these instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

5. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of

authority who have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable along with the perpetrators;

6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

7. Welcomes in this context Security Council resolution 808 (1993) of 22 February 1993, by which the Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia;

8. Commends the Special Rapporteur for his latest report on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50) containing the report of the team of experts on the rape and abuse of women in that territory;

9. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the United Nations High Commissioner for Refugees and the World Health Organization, to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

10. Requests the Special Rapporteur to pursue a specific investigation into the rape and abuse of women and children in the former Yugoslavia, including the dispatch of a qualified team of experts, to coordinate with the relevant thematic special rapporteurs of the Commission, with the mission dispatched by the European Council and with any other missions and to present a further report to the Commission;

11. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

12. Also requests the Secretary-General to submit a report on the implementation of the present resolution to the members of the Commission not later than 30 June 1993;

13. Decides to remain seized of this matter.

34th meeting
23 February 1993
[Adopted without a vote. See chap. XXVII.]

1993/9. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1989/5 of 23 February 1989, 1990/26 of 27 February 1990, 1991/21 of 1 March 1991 and 1992/19 of 28 February 1992,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989, and the need for the full implementation of its provisions,

Recalling the report of the Special Committee against Apartheid (A/46/22), the second report of the Secretary-General on progress made in the implementation of the Declaration (A/45/1052), as well as the reports of the Secretary-General on the coordinated approach by the United Nations system on the questions relating to South Africa (A/46/648) and on the concerted and effective measures aimed at eradicating apartheid (A/46/499),

Having examined the final report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/14/1993/14),

Recognizing the responsibility of the United Nations and the international community to help the people of South Africa in their legitimate struggle for the total elimination of apartheid through peaceful means,

Noting that while positive measures have been taken by the Government of South Africa, including the repeal of some major apartheid laws and the revision of the security legislation, important obstacles to the achievement of a climate conducive to the exercise of free political activity still remain,

Noting also that, while positive steps have been taken by the Government of South Africa towards changing the racial education system, many obstacles still persist,

Gravely concerned that persistent violence threatens to undermine the process of peaceful change through negotiations to a united, non-racial and democratic South Africa,

Stressing the need to strengthen and reinforce the mechanisms set up in South Africa under the National Peace Accord, and emphasizing the need for all parties to cooperate in combating violence and to exercise restraint,

Welcoming the enhanced attention given by the international community to the question of violence in South Africa and especially the deployment of observers from the United Nations, the Organization of African Unity, the Commonwealth and the European Community in South Africa to further the purposes of the National Peace Accord, *Deeply concerned* at the revelations of illegal covert activities carried out by military intelligence with a view to undermining a major party to the political process of peaceful change in South Africa,

Noting with satisfaction the progress made in the implementation of the agreement concluded between the Office of the United Nations High Commissioner for Refugees and the South African authorities to enable the voluntary repatriation of refugees and exiles,

Noting with concern that the so-called "homelands" still remain outside the legal, political and administrative framework of South Africa,

Concerned that, notwithstanding the amendment of the Internal Security Act, detention without charge remains possible in law,

Concerned also at reports containing evidence that children are still subjected to arbitrary detention and inhuman treatment in South Africa,

Gravely disturbed at the socio-economic inequalities in South Africa and at the accumulated negative impact of apartheid on the social, economic and cultural rights of the majority of the people of South Africa,

Welcoming the negotiations between the Government of South Africa and all parties concerned aimed at working out modalities for a non-racial, democratic constitution,

1. *Takes note* of the report of the Ad Hoc Working Group of Experts on southern Africa, and commends the Working Group for the excellent manner in which it has prepared its report;

2. *Reaffirms* its support for the legitimate struggle of the South African people for the total eradication of apartheid through peaceful means and their right to establish a non-racial, democratic system which is consistent with the International Bill of Human Rights;

3. *Also reaffirms* the international consensus to oppose apartheid, support the peaceful struggle to eradicate apartheid and facilitate the creation of a non-racial, democratic South Africa;

4. *Calls upon* the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;

5. *Also calls upon* all parties to refrain from further acts of violence;

6. *Strongly urges* the Government of South Africa to implement fully the recommendations of the Commission of Enquiry into Public Violence and Intimidation (the Goldstone Commission) and to cooperate with that Commission with a view to carrying out further investigations into the functioning and operation of the security forces and other existing armed units;

7. Commends the Secretary-General for the measures taken to address areas of concern noted in his report (S/24389) and particularly to assist in strengthening the structure set up under the National Peace Accord, including the deployment of United Nations observers in South Africa, and urges him to continue to address all the areas of concern noted in his report which fall within the purview of the United Nations;

8. Welcomes the deployment in South Africa of observers of the Organization of African Unity, the Commonwealth and the European Community;

9. Calls upon the Government of South Africa to release all remaining political prisoners, including those on death row, in accordance with the terms of the Declaration on Apartheid and its Destructive Consequences in Southern Africa and other relevant agreements for its implementation;

10. Urges the Government of South Africa to allow the safe return of all political exiles and refugees without restriction;

11. Appeals to the international community to assist the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in the repatriation and reintegration of South African refugees and exiles in safety and with dignity;

12. Also appeals to the international community to assist and enhance the role of humanitarian and human rights groups in extending assistance to victims of apartheid and in monitoring the situation of human rights in South Africa;

13. Congratulates all anti-apartheid groups and individuals inside and outside South Africa for their commitment and positive contributions to the efforts to dismantle apartheid;

14. Reiterates the call to the Government of South Africa to expedite legal and administrative measures to abolish the system of "homelands" and reincorporate them into South Africa;

15. Urges the Government of South Africa, in consultation with all parties to the negotiations, to address seriously and urgently the problem of landlessness and the gross inequalities in land ownership in order to create an atmosphere of lasting stability in South Africa;

16. Urges once again the South African authorities to repeal the remaining discriminatory apartheid laws, introduce the necessary legal and administrative measures to correct entrenched socio-economic inequalities and implement and enforce without delay that legislation in the areas of education, health, housing and social welfare;

17. Further urges the South African authorities to advance the dismantling of apartheid by considering accession to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination;

18. Reiterates its deep concern at reported cases of arbitrary detention and inhuman treatment of detained children in South Africa;

19. Demands that the South African authorities fully respect section 29 of the Prisons Act, prevent the inhuman treatment of children in South Africa and ensure their basic and legitimate freedoms of movement, association and education;

20. Calls for the replacement of the present racial education system with a non-racial education system;

21. Calls upon the international community to assist the non-racial sports bodies, which have been endorsed by representative anti-apartheid sports organizations in South Africa, in redressing the continuing structural inequalities in sports;

22. Urges all the parties to resume, without delay, broad-based negotiations on transitional arrangements and basic principles for a process of reaching agreement on a new democratic and non-racial constitution and for its speedy entry into force;

23. Calls upon the international community to support the fragile and critical process of transition under way in South Africa through the phased application of appropriate measures, to be applied as warranted in response to positive developments such as agreement by the parties on transitional arrangements and agreement on a new, non-racial and democratic constitution;

24. Reiterates the call to all Governments to observe fully the mandatory arms embargo and the request to the Security Council to continue to monitor effectively the implementation of the embargo, as decided in Security Council resolutions 418 (1977) of 4 November 1977, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986;

25. Calls upon the international community to support the peace process in Mozambique and Angola, as well as to mobilize additional resources in order to assist the front-line States and other neighbouring States in the reconstruction of their socio-economic infrastructure and the rehabilitation of the victims of internal and external displacements after years of destabilization;

26. Calls upon the Centre for Human Rights to respond at the appropriate time, as guided by the Secretary-General, to the needs of the changing situation in South Africa during the period of transition, in accordance with General Assembly resolution 47/116 A of 18 December 1992;

27. Decides to renew for a further period of two years the mandate of the Ad Hoc Working Group of Experts on southern Africa, composed of the following experts acting in their personal capacity: Mr. Leliel Mikuin Balanda (Zaire), Mr. Armando Entralgo (Cuba), Mr. Felix Ermacora (Austria), Mr. Elly Elikunda E. Mtango (United Republic of Tanzania), Mr. Zoran Pajic (Bosnia and Herzegovina) and Mr. Mulka Govinda Reddy (India);

28. *Requests* the Ad Hoc Working Group of Experts to continue, in cooperation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, as well as infringements of trade-union rights;

29. *Also requests* the Ad Hoc Working Group of Experts to submit its interim report to the Commission at its fiftieth session and its final report at its fifty-first session;

30. *Further requests* the Ad Hoc Working Group of Experts to submit a brief preliminary report to the General Assembly at its forty-eighth and forty-ninth sessions;

31. *Renews its request* to the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit South Africa to gather information from individuals and organizations in order to ascertain the situation of human rights in South Africa, in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free and confidential access to any individual, organization, prisoner or ex-prisoner, detainee or ex-detainee;

(b) The Government of South Africa would provide a firm undertaking that any person or organization providing evidence would be granted immunity from any State action as a result thereof.

42nd meeting
26 February 1993
[Adopted without a vote. See chap. V.]

1993/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, 44/79 of 8 December 1989, 45/90 of 14 December 1990, 46/84 of 16 December 1991 and 47/81 of 16 December 1992,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987, 1988/14 of 29 February 1988, 1989/8 of 23 February 1989, 1990/12 of 23 February 1990 and 1991/10 of 22 February 1991, Recalling also its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Convinced that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening regional peace and security,

Reiterating the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming its conviction that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Taking note of Economic and Social Council resolution 1990/70 of 27 July 1990, by which the Council condemned those transnational corporations that continue to collaborate with the minority Government in South Africa in defiance of United Nations resolutions and international public opinion and, in many cases, in violation of measures adopted by their home countries,

Reaffirming also its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, inter alia through the establishment of an international penal tribunal as provided for in article V of the Convention,

1. Takes note with appreciation of the report of the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1993/54), and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1991/10;

3. Commends those States parties to the Convention that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Notes with appreciation the views and information submitted by some States parties, in response to Commission resolution 1991/10, concerning the forms of the crime of apartheid, as described in article II of the Convention;

5. Urges those States that have not yet done so to accede to the Convention without delay, especially those States which have jurisdiction over transnational corporations operating in South Africa;

6. Recommends once again that all States parties to the Convention take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

7. Reiterates its recommendation to States parties to be represented when the report of their country is to be considered by the Group of Three;

8. Calls upon all States whose transnational corporations continue to do business with South Africa to take all appropriate steps to terminate their dealings with South Africa;

9. Appeals to States parties to strengthen their cooperation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid in accordance with article VI of the Convention and with the Charter of the United Nations;

10. Appeals to all States parties to the Convention to incorporate in their legislation provisions relating to "the crime of apartheid" in accordance with article II of the Convention;

11. Urges the resumption of genuine and broad-based negotiations for a democratic and non-racial South Africa;

12. Appeals to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes committed by the Government of South Africa with a view to promoting further accession to the Convention;

13. Requests the international community to urge the Government of South Africa to repeal the remaining apartheid laws and introduce the necessary legal and administrative measures to correct the entrenched socio-economic inequalities;

14. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further accessions to the Convention and to give consideration to drawing up model legislation which would serve the States parties as a guide for the implementation of the provisions of the Convention;

15. Requests the Group of Three to continue to meet every two years to consider the reports submitted by States parties in accordance with article VII of the Convention;

16. Requests the Secretary-General to continue to provide all necessary assistance to the Group of Three.

42nd meeting
26 February 1993
[Adopted by 30 votes to none, with 21 abstentions.
See chap. XV.]

1993/11. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and launching of a third decade to combat racism and racial discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1992/8 of 21 February 1992,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Bearing in mind General Assembly resolutions 3057 (XXVIII) of 2 November 1973, on the First Decade for Action to Combat Racism and Racial Discrimination, and 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Bearing in mind the Report of the Second World Conference to Combat Racism and Racial Discrimination (United Nations publication, Sales No. E.83.XIV.4 and corrigendum),

Convinced that the Second World Conference represented a positive contribution by the international community towards attaining the objectives of the Decade, through its adoption of a Declaration and an operational Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism and racial discrimination, to draw attention to them where discovered and to suggest remedial measures,

Bearing in mind also the measures taken by the South African authorities to repeal or amend the major laws which had constituted the pillars of apartheid, as well as the progress made towards the establishment of a democratic, non-racial and united South Africa,

Convinced of the need to take sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

Recalling that in its resolution 1992/8 of 21 February 1992, it recommended that the General Assembly take appropriate steps, in due course, to launch a third decade to combat racism and racial discrimination, to begin in 1993,

Taking note of General Assembly resolution 47/77 of 16 December 1992, in which the Assembly requested the Secretary-General to accord the highest priority to activities of the programme of action for the third decade to combat racism and racial discrimination aimed at monitoring the transition from apartheid to a non-racist society in South Africa and invited the Commission on Human Rights at its forty-ninth session to recommend activities to be undertaken during the third decade,

Taking note of the report of the Secretary-General (E/CN.4/1993/55),

1. Declares that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

3. Appeals to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by ongoing adjustment of the methods used to combat them;

5. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

6. Notes and commends the efforts made to coordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Second Decade, and encourages the Coordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts;

7. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

8. Also requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, in view of its possible early entry into force;

10. Requests the Secretary-General to revise and finalize the draft model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination in the light of comments made by members of the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions and to publish and distribute the text as soon as possible;

11. Invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

12. Regrets that most of the activities scheduled for the period 1992-1993 have not been implemented because of lack of adequate resources;

13. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

14. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the activities scheduled for the period 1990-1993 which have not yet been carried out;

15. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the above-mentioned programmes;

16. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

17. Takes note of the report of the Secretary-General (A/47/432) on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and the launching of a third decade to combat racism and racial discrimination;

18. Recommends that activities such as those contained in the report of the Secretary-General be undertaken during the third decade to combat racism and racial discrimination and reviewed at mid-term;

19. Requests the Secretary-General, in preparing the draft programme of action for the third decade, to accord the highest priority to activities aimed at monitoring the transition from apartheid to a non-racist society in South Africa;

20. Calls upon Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, in particular by maintaining effective and sustained international pressure against South Africa;

21. Recommends that the activities scheduled for the period 1992-1993 that have not been implemented because of lack of adequate resources be included in the draft programme of action for the third decade, along with the other proposed activities contained in the annex to the present resolution, and given the highest priority;

22. Decides to consider at its fiftieth session, as a matter of high priority, the draft programme of action for the third decade to combat racism and racial discrimination.

42nd meeting
26 February 1993
[Adopted without a vote. See chap XVI.]

ANNEX

Activities recommended for inclusion in the draft programme of action for the third decade to combat racism and racial discrimination

I

1. The Commission recommends the following programme elements proposed by the Secretary-General for the draft programme of action for the third decade to combat racism and racial discrimination (1993-2003), as contained in paragraphs 19-46 of the report of the Secretary-General (A/47/432):

> "19. It is suggested that the goals and objectives of the third decade be those adopted by the Assembly for the first Decade and contained in the annex to General Assembly resolution 3057 (XVIII):
>
> > 'The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes and contribute to

> the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination, and to put an end to racist regimes.'

"20. In drawing up suggested elements for the programme of action for the third decade, account has been taken of the fact that current global economic conditions have caused many Member States to call for budgetary restraint, which in turn requires a conservative approach to the number and type of programme for action which may be considered at this time. The Secretary-General also took into account the relevant suggestions made by the Committee on the elimination of Racial Discrimination at its forty-first session. The elements presented below are suggested as those which are essential, should resources be made available to implement them.

"A. Action to combat apartheid

"21. Recently, there have been signs of change in South Africa, notably the abolition of such legal pillars of apartheid as the Group Areas Act, the Land Areas Act and the Population Registration Act. Although there is reason to be hopeful that South Africa is moving into the mainstream of the international community, the transition period may prove to be difficult and dangerous. Fierce political competition between political parties and ethnic groups has already led to bloodshed.

"22. Action will be needed to rectify the consequences of apartheid in South Africa. The policy of apartheid has entailed the use of State power to increase inequalities between racial groups. The knowledge and experience of human rights bodies dealing with racial discrimination could play a significant role in promoting equality.

"23. The General Assembly may wish to examine the best way to monitor apartheid in transition and initiate a mechanism to advise and assist the parties concerned to bring an end to this abhorrent regime not only in law but also in fact. Reference should be made to Security Council resolution 765 (1992) urging the South African authorities to bring an effective end to the violence and bring those responsible to justice.

"24. The Assembly may also wish to continue to examine the relevant work undertaken by the established United Nations bodies in the fight against apartheid, i.e. the Special Committee against Apartheid, the Group of Three and the Ad Hoc Working Group of Experts on southern Africa.

"25. The Centre for Human Rights could offer technical assistance in the field of human rights to South Africa during and after the transition period. A cycle of seminars on apartheid could be envisaged, in cooperation with the specialized agencies and United Nations secretariat units concerned, which could include the following:

"(a) Seminar on apartheid and children, in cooperation with the United Nations Children's Fund;

"(b) Seminar on apartheid and the rights of workers, in cooperation with the International Labour Organisation;

"(c) Seminar on apartheid and public health, in cooperation with the World Health Organization;

"(d) Seminar on apartheid, education and culture, in cooperation with the United Nations Educational, Scientific and Cultural Organization;

"(e) Seminar on affirmative action for a non-racial society in South Africa.

"26. An inter-agency meeting could be convened immediately after the proclamation of the third decade, in 1994, to plan for the workshops and other activities.

"B. Action at the international level

"27. During the discussion in the Economic and Social Council at its substantive session of 1992 on the Second Decade, many delegations expressed their concern with regard to new expressions of racism, racial discrimination, intolerance and xenophobia in various parts of the world.

"28. The manifestation of racist myths may be overt, as with the obvious example of apartheid, or they may be less evident as is the case with some employment, housing, immigration and asylum policies which tend to impact most negatively on people who are distinguishable ethnically or by nationality. There is a general awareness of the new expressions of racism and racial discrimination affecting minorities, ethnic groups, migrant workers, indigenous populations, gypsies, immigrants and refugees.

"29. The biggest contribution to the elimination of racial discrimination will be that which results from the actions of States within their own territories. International action undertaken as part of any programme for the third decade should therefore be directed so as to assist States to act effectively. The International Convention on the Elimination of All Forms of Racial Discrimination has established standards for States, and every opportunity should be seized to ensure that these are universally accepted and applied.

"30. The Assembly could consider more effective action to ensure that all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination fulfil their reporting and financial obligations. National action against racism and racial discrimination could be monitored and improved by requesting an expert member of the Committee to prepare a report on obstacles encountered with respect to the effective implementation of the Convention by States parties and suggestions for remedial measures.

"31. The Assembly may wish to propose the holding of regional workshops and seminars. A team from the Committee should be invited to monitor these meetings. The following themes are suggested for the seminars:

"(a) Seminar to assess the experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The seminar would also assess the efficiency of national legislation and recourse procedures available to victims of racism;

"(b) Seminar on the eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in them;

"(c) Seminar on the right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

"(d) Seminar on the transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

"(e) Seminar on international cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies;

"(f) Seminar on the enactment of national legislation to combat racism and racial discrimination affecting ethnic groups, migrant workers and refugees (in Europe and North America);

"(g) Workshop on flows of refugees due to ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition (Eastern Europe, Africa and Asia);

"(h) Training course on national legislation prohibiting racial discrimination for nationals from countries with and without such legislation;

"(i) Regional seminars on ethnicity, nation-building and human rights could also provide an opportunity for broadening knowledge of the causes of today's ethnic conflicts, and the participants could look for ways and means of solving them.

"32. The Assembly may wish to propose to the Department of Public Information of the United Nations Secretariat to undertake specific activities that could be carried out by Governments and relevant national non-governmental organizations to commemorate the International Day for the Elimination of Racial Discrimination on 21 March each year. Support should be sought from artists as well as religious leaders, trade unions, enterprises and political parties to sensitize the population on the evils of racism and racial discrimination.

"33. In cooperation with UNESCO and the Department of Public Information, the Assembly could support the organization of a seminar on the role of mass media in combating or disseminating racist ideas.

"34. In cooperation with the International Labour Organisation, the possibility of organizing a seminar on the role of trade unions in combating racism and racial discrimination in employment could be explored.

"35. The General Assembly could consider requesting the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.

"36. The Assembly may also wish to call upon Member States to make special efforts to:

"(a) Promote the aim of non-discrimination in all educational programmes and policies;

"(b) Give special attention to the civic education of teachers. It is essential that teachers be aware of the principles and essential content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities;

"(c) Teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by fascist and other totalitarian regimes, and more particularly of the crimes of apartheid and genocide;

"(d) Ensure that curricula and textbooks reflect anti-racist principles and promote intercultural education.

"C. Action at the national and regional levels

"37. The following questions may be addressed in the context of action to be undertaken at the national and regional levels: Have there been any successful national models to eliminate racism and racial prejudices that could be recommended to States, e.g. for educating children, or principles of equality to tackle racism against migrant workers, ethnic minorities, indigenous peoples, etc.? What kind of affirmative action programmes are there at the national or regional level to redress discrimination against specific groups?

"38. The General Assembly may wish to call upon States that have not yet done so to adopt, ratify and implement legislation prohibiting racism and racial discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International

Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

"39. The Assembly could call upon Member States to review their national programmes to combat racial discrimination and its effects in order to identify and to seize opportunities to close gaps between different groups and especially to undertake housing, educational and employment programmes that have proved to be successful in combating racial discrimination and xenophobia.

"40. The Assembly could recommend that Member States encourage the participation of journalists and human rights advocates from minority groups and communities in the mass media. Radio and television programmes should increase the number of broadcasts produced by and in cooperation with racial and cultural minority groups. Multicultural activities of the media should also be encouraged where they can contribute to the suppression of racism and xenophobia.

"41. The Assembly may wish to call upon regional organizations to cooperate closely with United Nations efforts in combating racism and racial discrimination. Intergovernmental organizations dealing with human rights issues could mobilize public opinion in their regions against the evils of racism and racial prejudices directed towards disadvantaged racial and ethnic groups. These institutions could serve an important function in assisting Governments to enact national legislation against racial discrimination and promote adoption and application of international conventions. Regional human rights commissions should be called upon to publicize widely basic texts on existing human rights instruments.

"D. Basic research and studies

"42. The long-term viability of the United Nations programme against racism and racial discrimination will depend in part on continuing research into the causes of racism and into the new manifestations of racism and racial discrimination. The Assembly may wish to examine the importance of preparing studies on racism. Following are some aspects to be studied:

"(a) Study of the application of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Such a study might assist States to learn from one another the national measures undertaken to implement the Convention;

"(b) Integration or preservation of cultural identity in a multiracial society;

"(c) Study of political rights, including the participation of various racial groups in political processes and their representation in government service;

"(d) Study of civil rights, including migration, nationality, freedom of opinion and association;

"(e) Study of educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

"(f) Global integration and the question of racism and the nation State;

"(g) National mechanisms against racism and racial discrimination in the fields of immigration, employment, salary, housing, education and ownership of property.

"E. Coordination and reporting

"43. It may be relevant to recall that in its resolution proclaiming the Second Decade the Assembly charged the Economic and Social Council with coordinating the implementation of the programme and evaluating the activities. The Assembly may wish to consider the following steps to strengthen the United Nations input into the third decade to combat racism and racial discrimination:

"(a) The General Assembly may wish to entrust the Economic and Social Council or the Commission on Human Rights, in cooperation with the Secretary-General, with the responsibility for coordinating the programmes and evaluating the activities undertaken in connection with the third decade;

"(b) The Secretary-General could be invited to provide specific information on activities against racism, to be contained in one annual report which would be comprehensive in nature and allow a general overview of all mandated activities. This would facilitate coordination and evaluation;

"(c) An open-ended working group of the Commission on Human Rights, or other appropriate arrangements under the Commission, may be established to review decade-related information, on the basis of annual reports referred to above, as well as relevant studies and reports of seminars, so as to assist the Commission in formulating appropriate recommendations to the Economic and Social Council on particular activities, allocation of priorities, etc.

"F. Regular system-wide consultations

"44. On an annual basis, consultations between the United Nations, specialized agencies and non-governmental organizations would take place to review and plan decade-related activities. In this framework, the Centre for Human Rights would organize inter-agency meetings to consider and discuss further measures to strengthen the coordination and cooperation of programmes related to the issues of combating racism and racial discrimination.

"45. The Centre for Human Rights would also strengthen the relationship with non-governmental organizations fighting against racism and racial discrimination by holding consultations and briefings with the non-governmental organizations. Such meetings could help them to initiate, develop and present proposals regarding the struggle against racism and racial discrimination.

"46. Should the Assembly approve the suggested elements of the programme for action for the third decade to combat racism and racial discrimination, the Secretary-General would include the activities to be carried out during the decade, as well as the related resource requirements in the proposed programme budgets, which will be submitted biennially, during the decade, starting with the proposed programme budget for the biennium 1994-1995."

II

2. The Commission recommends also that the themes proposed by the Committee on the Elimination of Racial Discrimination, as contained in paragraph 15 of the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1993/55), should be programmed:

"15. The Committee also considered the question of the launching of a third decade to combat racism and racial discrimination and, in that connection, examined an informal document containing a list of ten topics relating to action to combat racism and racial discrimination prepared by one of its members. The Committee requested that the document should be transmitted to the Commission to serve as a basis for considering the programming of activities in a possible third decade. The following themes have been proposed:

"1. The eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in it;

"2. The right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

"3. Political rights, including the participation of various racial groups in political processes and their representation in government service;

"4. Civil rights, including migration, nationality, freedom of opinion and association;

"5. Economic rights, including work, trade union membership and housing;

"6. Social and cultural rights, including health and education;

"7. Educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

"8. The protection of disadvantaged groups; this may include consideration of the position of indigenous peoples;

"9. The transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

"10. International cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies."

III

3. The Commission recommends further that the following themes might also be included:

Religious intolerance;

Xenophobia;

The role of national institutions in the promotion and protection of human rights.

1993/12. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Recalling also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further General Assembly resolution 32/130 of 16 December 1977,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the Assembly in its resolution 41/128 of 4 December 1986, *Welcoming* the final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), submitted by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk,

Bearing in mind Sub-Commission resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991 and 1992/29 of 27 August 1992,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to man in order to promote all his rights effectively,

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (E/CN.4/1991/59, annex),

Having in mind also the considerations of the World Bank contained in the publication *World Debt Tables 1991-92* (volume 1) of December 1991, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes in the realization of economic, social and cultural rights,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries, and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Stressing that measures for debt reduction also need to be accompanied by vigorous efforts to improve the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1990/24 of 27 February 1990, 1991/13 of 22 February 1991 and 1992/9 of 21 February 1992,

1. Expresses its appreciation for the preliminary report (E/CN.4/Sub.2/1989/19), first (E/CN.4/Sub.2/1990/19) and second progress (E/CN.4/Sub.2/1991/17) and final (E/CN.4/Sub.2/1992/16) reports on the realization of economic, social and cultural rights prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk;

2. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Reaffirms that a major objective of any debt strategy should be that debtor developing countries achieve a level of growth sufficient to enable them to satisfy their social, economic and development needs;

4. Affirms that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

5. Requests the Secretary-General to submit, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations concerned, a report to the Commission on Human Rights at its fiftieth session on the repercussions and prospects of the debt crisis and adjustment programmes on the effective enjoyment of economic, social and cultural rights of developing countries;

6. Decides to continue to consider, at its fiftieth session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

42nd meeting
26 February 1993
[Adopted by a roll-call vote of 36 to 2,
with 12 abstentions. See chap. VII.]

1993/13. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of all human rights are essential if individuals are to participate freely and responsibly in the development of the society in which they live,

Aware of the need for improved knowledge of extreme poverty and its causes, including those connected with the problem of development, for the purpose of promoting the human rights of the poorest,

Recalling its resolutions 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, 1991/14 of 22 February 1992, in which it recommended the Sub-Commission to give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, and 1992/11 of 21 February 1992, *Recalling also* its resolution 1991/12 of 22 February 1991, entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights",

Recalling further General Assembly resolution 47/134 of 18 December 1992, entitled "Human rights and extreme poverty", which reaffirms that extreme poverty and social exclusion constitute a violation of human dignity and emphasizes the need for an in-depth and comprehensive study of extreme poverty focusing on the experience and thinking of the poorest,

Recalling decision 1991/6, entitled "Reaching the poorest", adopted by the Executive Board of the United Nations Children's Fund, in which it is emphasized, *inter alia*, that a more thorough knowledge of the situation of the poorest children and their families, of their living conditions and the pre-conditions necessary for their partnership would make it easier to reach the groups in question, in particular children, and in which the Executive Director is invited to mention, in his yearly reports, progress on this issue within the United Nations Children's Fund,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all parts of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 44/82 of 8 December 1989, in which the Assembly proclaimed 1994 as International Year of the Family,

Mindful of the Secretary-General's report on human rights and extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1 and 2), prepared on the basis of information transmitted by Governments, specialized agencies, United Nations bodies, other intergovernmental organizations and non-governmental organizations,

Bearing in mind in this context the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Draws the attention* of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

3. *Encourages* the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

4. *Also encourages* the Committee on the Rights of the Child to examine the situation of children living in extreme poverty with a view to promoting

the enjoyment of all rights recognized in the Convention on the Rights of the Child, in particular during its forthcoming discussions on the economic exploitation of children;

5. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what peoples living in extreme poverty endure and thought must be given to the subject, drawing on the experiences and ideas of the poorest themselves and of those committed to working alongside them;

6. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/27 of 27 August 1992 appointing Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty with responsibility for preparing a study on this issue, bearing particularly in mind the approach defined in Commission resolution 1992/11;

7. Invites the Special Rapporteur to give special attention to the following aspects:

(a) The effects of extreme poverty on the enjoyment and exercise of the human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

8. Also invites the Special Rapporteur, in his report to the Sub-Commission at its forty-fifth session, to consider the possibility of organizing a seminar with a view to furthering reflection on the topic "Extreme poverty and denial of human rights" and to make suggestions in this regard;

9. Calls upon States, specialized agencies, United Nations bodies and other international organizations, including non-governmental organizations, to give due attention to this problem and to make known their views on human rights and extreme poverty to the Secretary-General;

10. Welcomes General Assembly resolution 47/196 of 22 December 1992 proclaiming 17 October each year as International Day for the Elimination of Poverty;

11. Calls upon States, United Nations bodies and other international organizations, including non-governmental organizations, to give due attention each International Day to the situation of the poorest, who must be the focus of events, taking into account events already organized worldwide since

17 October 1987 around the topic "Rejection of extreme poverty", and to inform the Secretary-General of the activities they are undertaking in this regard;

12. _Invites_ the Secretary-General to take into account, in preparing the programme for the International Day, the relationship between extreme poverty and the full realization of human rights and, in this context, expresses the hope that the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Centre for Human Rights will be fully involved in the activities;

13. _Also invites_ the Secretary-General to report to the Commission at its fiftieth session on all these matters;

14. _Recommends_ the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

42nd meeting
26 February 1992
[Adopted without a vote. See chap. VII.]

1993/14. _Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights_

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interdependent and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights, Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Aware that, despite progress achieved by the international community with respect to the setting of standards for the realization of the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, the implementation and promotion of these rights and the problems of their realization have not received sufficient attention within the framework of the United Nations system,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for a more vigorous and effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1992/10 of 21 February 1992,

1. Welcomes the contribution of the Committee on Economic, Social and Cultural Rights, which continues to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant;

2. Encourages States parties to the International Covenant on Economic, Social and Cultural Rights to give their full support and cooperation to the Committee on Economic, Social and Cultural Rights;

3. Also encourages States parties to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the preparation of their periodic reports as well as the widest possible distribution of those reports at the national level;

4. Welcomes the decision of the Committee on Economic, Social and Cultural Rights to urge all States parties to submit reports on time and to take appropriate measures in relation to those States parties whose reports are long overdue;

5. Also welcomes the adoption by the Committee on Economic, Social and Cultural Rights of general comments and takes note with interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III) and the reaffirmed importance attached in this framework to respect for human dignity and the principle of non-discrimination;

6. Recognizes the importance of ensuring the study of specific economic, social and cultural rights and in this framework takes note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/26 of 27 August 1992, and takes note with interest of the working paper prepared by the expert, Mr. Rajindar Sachar, on the right to adequate housing (E/CN.4/Sub.2/1992/15);

7. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant and Economic, Social and cultural Rights and in pursuance of General Comment No. 3 (1990) (E/1991/23, annex III), to consider identifying specific national benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of minimum essential levels of each of the rights;

8. Notes with interest the organization, under the United Nations programme for human rights activities, of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, sponsored by the Centre for Human Rights and held at Geneva from 25 to 29 January 1993;

9. Recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights and in this framework stresses the need for ensuring the collection of appropriately disaggregated data;

10. Requests the Secretary-General to bring the conclusions and recommendations of the seminar to the attention of Member States, the Commission on Human Rights, other United Nations bodies, the specialized agencies, financial institutions and non-governmental organizations;

11. _Affirms_ that the full respect of the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

12. _Invites_ Member States to include measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, using the Covenant as a framework for this purpose;

13. _Welcomes_ the continuing efforts made by the Committee on Economic, Social and Cultural Rights to develop greater in-depth understanding of the relevant issues of the Covenant by holding a general discussion on one of its specific rights or articles, and takes note of the general discussion which took place during the seventh session of the Committee on the right to take part in cultural life (E/1993/22, chap. VII);

14. _Takes note_ of the support expressed by the Committee on Economic, Social and Cultural Rights for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant;

15. _Takes note with deep appreciation_ of the final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16) submitted by the Special Rapporteur of the Sub-Commission, Mr. Danilo Türk;

16. _Requests_ the Secretary-General to ensure the wide distribution of the progress reports of the Special Rapporteur throughout the United Nations in particular by publishing them in a single document;

17. _Welcomes_ the suggestion made by the Special Rapporteur that cooperation between the financial institutions and the human rights organs of the United Nations be strengthened, in particular by encouraging the participation of the representatives of those institutions in the meetings of human rights organs;

18. _Requests_ the Secretary-General to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of the financial institutions in the realization of economic, social and cultural rights;

19. _Also requests_ the Secretary-General to prepare basic policy guidelines on structural adjustment and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, in the light of the conclusions of the Special Rapporteur in his final report and of the discussions held at the seminar on appropriate indicators;

20. Takes note of the decision of the Sub-Commission to consider the possibility of studying the subject of income distribution and the realization of economic, social and cultural rights;

21. Encourages the United Nations Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights in the light of the International Covenant on Economic, Social and Cultural Rights;

22. Requests the Secretary-General to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

23. Invites the Economic and Social Council, pursuant to article 22 of the Covenant and taking into account general comment No. 2 (1990) (E/1990/23, annex III), to identify ways in which international cooperation and technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant;

24. Decides to consider issues raised by the present resolution at its fiftieth session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. VII.]

1993/15. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling its resolution 1992/14 of 21 February 1992 and General Assembly resolution 46/113 of 17 December 1991,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1993/69),

Recalling the entry into force on 11 July 1991 of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, Welcoming the fact that recent ratifications of/or accessions to the Covenants have increased the total number of States parties to each of them quite significantly, while noting at the same time that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind its responsibility for the coordination of activities concerning human rights in the United Nations system, in accordance with Economic and Social Council resolution 1979/36 of 10 May 1979,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

4. Again invites States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Recommends to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed condition and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Also welcomes the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights whenever so requested by the Committees;

12. Also urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to the summary records relating to the examination of those reports by the Committees;

14. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. Also requests the Secretary-General to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with the increasing workload under the Optional Protocols;

17. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fiftieth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the

International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

18. Decides to include in the provisional agenda of its fiftieth session the agenda item entitled "Status of the International Covenants on Human Rights".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. XVII.]

1993/16. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling its resolution 1992/15 of 21 February 1992 and General Assembly resolution 47/111 of 16 December 1992, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in its resolution 47/111, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the Assembly and, in this connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments,

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning,

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations human rights instruments, Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies held since 1988 and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 (see A/45/636, annex) and from 12 to 16 October 1992 respectively (A/47/628, annex),

Recalling the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human instruments prepared by an independent expert (A/44/668, annex), and aware of the need to update this study,

Recalling also that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization (see E/CN.4/1990/39, annex) with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies,

Welcoming the endorsement by the General Assembly in its resolution 47/111 of the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the financing of the committees established under these Conventions from the regular budget of the United Nations,

Noting that before these amendments enter into force, two thirds of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment must notify in writing the Secretary-General, as depositary, of their acceptance of the change,

Noting the reports of the Secretary-General (A/46/650 and A/47/518) examining the financial, legal and other implications of providing full funding for the operations of all human rights treaty bodies,

1. Welcomes the decision by the General Assembly, in its resolution 47/111, to request the Secretary-General:

(a) To take the appropriate measures to provide for the financing of the committees established under the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from the regular budget of the United Nations, beginning with the budget for the biennium 1994-1995,

(b) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force;

2. Also welcomes the request by the General Assembly to the Secretary-General, in the same resolution, to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the resources available from the regular budget of the United Nations;

3. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for the purpose of funding the respective Committees from the regular budget;

4. Requests the Secretary-General to ensure prompt implementation of these financial measures;

5. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

6. Expresses its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session, and, in the light of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, requests that the report of the independent expert be updated for submission to the Commission at its fiftieth session and that an interim report be presented to the General Assembly at its forty-eighth session and be made available to the World Conference on Human Rights in June 1993;

7. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

8. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

9. Further urges all States parties to meet without delay and in full their financial obligations under the relevant human rights instruments;

10. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end, invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

11. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies;

12. Reiterates its conviction that in standard-setting every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

13. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

14. Also requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Further requests the Secretary-General to ensure that recent periodic reports of States parties to treaty-monitoring bodies and the summary records of committee discussions pertaining to them are made available in the United Nations information centres in the countries submitting those reports;

16. Requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies (A/47/628, annex, para. 59);

17. Decides to consider the question on a priority basis at its fiftieth session under the agenda item "Effective functioning of bodies established pursuant to United Nations human rights instruments".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. XVIII.]

1993/17. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara, Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1992/18 of 28 February 1992,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro to the proposals of the Secretary-General of the United Nations and the current Chairman of the Conference of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991 and 725 (1991) of 31 December 1991 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by both parties,

Noting with satisfaction the appointment, on 23 March 1992, of Mr. Sahabzada Yaqub-Khan as Special Representative of the Secretary-General for the question of Western Sahara,

Taking note with satisfaction of the part relating to Western Sahara in the Final Declaration of the Tenth Conference of Heads of State or Government of Non-aligned Countries, held at Jakarta from 1 to 6 September 1992,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/47/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/47/506),

1. Takes note with appreciation of the report of the Secretary-General;

2. Pays tribute to the Secretary-General for his action with a view to settling the question of Western Sahara through the implementation of the settlement plan;

3. Reaffirms its support for the efforts which the Secretary-General will continue to make for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with resolutions 658 (1990) and 690 (1991) in which the Security Council adopted the settlement plan for the question of Western Sahara;

4. Endorses the content of the letter dated 31 August 1992 from the President of the Security Council addressed to the Secretary-General (S/24504), in which the members of the Council express the view that both parties must scrupulously abide by the cease-fire and abstain from any provocative behaviour endangering the settlement plan, and express the hope that both parties will extend their full cooperation to the Secretary-General and the Special Representative in their efforts to achieve speedy progress in the implementation of the plan and that they will make extraordinary efforts to ensure the success of the plan;

5. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its forty-eighth session;

6. Decides to follow the development of the situation in Western Sahara and to consider the question at its fiftieth session, as a matter of high priority, under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. IX.]

1993/18. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions on this matter, in particular resolution S-16/1 of 14 December 1989, adopted by consensus, containing the Declaration on Apartheid and its Destructive Consequences in Southern Africa, and resolutions 45/176 A of 19 December 1990 and 46/79 A of 13 December 1991, also adopted by consensus,

Noting with satisfaction that the fundamental principles for a new constitutional order set out in the Declaration are receiving broad acceptance in South Africa,

Bearing in mind its resolutions on the subject adopted since 1977, in particular its resolution 1991/17 of 1 March 1991,

Taking into account the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, in particular at its twenty-seventh ordinary session, held at Abuja from 3 to 5 June 1991 (A/46/390, annex II), _Taking note_ of all relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, particularly resolution 1991/1 of 20 August 1991, adopted without a vote,

Strongly convinced that assistance, especially military assistance, given to the minority regime of South Africa has remained the most effective instrument of maintaining the system of apartheid,

Recognizing the responsibility of the United Nations and the international community, as envisaged in the Declaration, to continue to take all necessary measures aimed at the eradication of apartheid, in particular by adhering to the programme of action contained in the Declaration,

Noting the statement by the Special Rapporteur of the Sub-Commission, Mr. Ahmed Khalifa, in presenting his updated report (E/CN.4/Sub.2/1992/12 and Add.1), that in the light of recent events the continued updating of the list of institutions giving support to the South African regime contained in the addendum to the report would no longer serve the purpose for which it was intended,

1. _Expresses its appreciation_ to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report;

2. _Reaffirms its support_ for the legitimate struggle of the South African people for the total eradication of apartheid and the establishment of a united, non-racial and democratic South Africa in which all its people, irrespective of race, colour, sex or creed, will enjoy the same fundamental freedoms, human rights and economic and social rights;

3. _Condemns_ the assistance rendered to South Africa, particularly in the military and nuclear fields, and expresses its conviction that this assistance constitutes a hostile act against the people of South Africa and the neighbouring States;

4. _Notes with appreciation_ the important measures taken by numerous States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on South Africa, and calls upon them to maintain their efforts to urge the South African authorities to comply with the United Nations resolutions and decisions on South Africa;

5. _Calls upon_ all Governments that have not yet done so to take measures to end military cooperation with South Africa, as well as assistance in the manufacture of arms and military supplies in South Africa, and in particular to cease all collaboration with South Africa in the nuclear field;

6. _Appeals_ to the international community to render all possible assistance to the front-line and neighbouring States to enable their economies to recover from the effects of years of destabilization;

7. Calls upon all Governments to maintain measured and appropriate pressure against South Africa until agreement has been reached on transitional arrangements and modalities for the process of drawing up and adopting a new constitution and the holding of elections with a view to achieving an irreversible transition to a united, democratic and non-racial South Africa;

8. Appeals to the international community, the specialized agencies and governmental and non-governmental organizations to increase humanitarian and legal assistance to the victims of apartheid, returning refugees and exiles and released political prisoners;

9. Also appeals to the international community to increase its material, financial and other contributions to the victims and opponents of apartheid, particularly in the areas of education, health, housing and social welfare;

10. Requests the Secretary-General to continue to ensure the coordination of activities of the United Nations system in fulfilment of the Declaration on Apartheid and its Destructive Consequences in Southern Africa and to continue monitoring the implementation of the Declaration, as well as pursuing appropriate initiatives to facilitate all efforts leading to the eradication of apartheid;

11. Also requests the Secretary-General to report on the implementation of the present resolution to the Commission at its fiftieth session;

12. Further requests the Secretary-General to give the report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

13. Decides to consider the issues raised by the present resolution at its fiftieth session under the agenda item "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa".

43rd meeting
26 February 1993
[Adopted by a roll-call vote of 30 to 12,
with 9 abstentions. See chap. VI.]

1993/19. Monitoring the transition to democracy in South Africa

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/6 of 21 August 1992, Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

43rd meeting
26 February 1993
[Adopted without a vote. See chap. VI.]

1993/20. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling its resolutions 1991/11 of 22 February 1991 and 1992/8 of 21 February 1992,

Recalling also its resolution 1992/41 of 28 February 1992 on human rights and thematic procedures,

Recalling further Sub-Commission on Prevention of Discrimination and Protection of Minorities resolutions 1990/1 and 1990/2 of 20 August 1990 and 1992/5 of 21 August 1992,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that, despite the efforts thus far of the international community, the principal objectives of the two decades to combat racism and racial discrimination have not been attained and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups,

Conscious also that impunity for crimes motivated by racist and xenophobic attitudes does contribute to weakening the rule of law, and tends to encourage recurrence of those crimes, *Concerned* that, in many parts of the world, despite all efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence resulting therefrom persist, among them manifestations occurring particularly in developed countries,

Concerned also that, in many parts of the world, ethnic, cultural, linguistic, religious and other minorities are suffering from discrimination and discriminatory treatment,

Aware of the growing magnitude of the phenomena of racism, racial discrimination, xenophobia and related intolerance in segments of many societies and their consequences for migrant workers,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced, however, that racism and racial discrimination, in whatever form, are intensified by, *inter alia*, conflicts over economic resources, in developed as well as in developing countries, and can best be defeated by a combination of economic, legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural, as well as civil and political, are indivisible and interrelated,

Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

Having considered the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session (E/CN.4/Sub.2/1992/11),

1. *Takes note with appreciation* of the report of the Secretary-General and expresses its deep concern at the reported serious incidents attributable to racism, racial discrimination and xenophobia that take place in many parts of the world;

2. *Recommends* that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

3. *Emphasizes* the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism, racial discrimination, xenophobia and related intolerance, including those practised against vulnerable groups;

4. *Confirms* the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and

information measures at the national level, including legislative, administrative and penal measures and of measures taken at the international level;

5. Recognizes the important role that can be played in this regard by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development;

6. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination to fulfil its mandate;

7. Recognizes the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life;

8. Appeals to all Governments to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

9. Urges all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination;

10. Decides, in particular in the light of recent trends, to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and requests the special rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session;

11. Requests the Secretary-General to provide the special rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions, especially in carrying out missions and following them up;

12. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 6]

48th meeting
2 March 1993
[Adopted without a vote. See chap. XVI.]

1993/21. Respect for the right of everyone to own property alone as well as in association with others

The Commission on Human Rights,

Recalling General Assembly resolution 45/98 of 14 December 1990, *Recalling also* its resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992 and Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

Recognizing that there exist in the world many forms of property ownership,

Recognizing also the necessity of concluding the analysis of the numerous forms of legal property ownership,

Taking note of the report of the independent expert (E/CN.4/1993/15),

1. *Welcomes* the report of the independent expert on the means whereby the right of everyone to own property alone as well as in association with others contributes to the exercise of fundamental freedoms;

2. *Expresses its appreciation* to the independent expert for his report, his thoughtful analysis of the relevant issues and his conclusions that property ownership is an essential basis of the economic system of any given society and that intellectual property must also be protected;

3. *Decides* to renew the mandate of the independent expert for one year so that he may complete his report using the observations and comments submitted by Governments and intergovernmental and non-governmental organizations which could not be included owing to the time when they were received;

4. *Requests* the Secretary-General to provide assistance to the independent expert and to transmit the report of the independent expert to all Member States and interested intergovernmental and non-governmental organizations;

5. *Decides* to consider the report of the independent expert at its fiftieth session, under the same agenda item, and to conclude its consideration of this matter upon receipt of that report.

53rd meeting
4 March 1993
[Adopted without a vote. See chap. VII.]

1993/22. *The right to development*

The Commission on Human Rights,

Recalling the resolutions of the General Assembly and its own resolutions on the right to development,

Reaffirming the principles contained in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, Recalling the report on the Global Consultation on the Realization of the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1),

Noting that economic development and respect for human rights are twin foundations of peaceful and friendly relations among nations and that, therefore, the United Nations has a duty to promote the right to development under Article 55 of the Charter,

Recalling General Assembly resolution 47/123 of 18 December 1992, in which the Assembly requested the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, and also requested the Office of the Under-Secretary-General for Economic and Social Development and the Centre for Human Rights to continue the coordination of the various activities with regard to the implementation of the Declaration,

Recalling also that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Taking note of the report of the Secretary-General (E/CN.4/1993/16) containing his concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development, prepared in accordance with Commission resolution 1992/13 of 21 February 1992,

Mindful that it has entered a new phase in its consideration of this matter which is directed towards the implementation and further enhancement of the right to development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Noting with interest the final documents of the Tenth Conference of Heads of State or Government of Non-aligned Countries, held at Jakarta from 1 to 6 September 1992,

Welcoming the Final Declaration adopted at Tunis by the Regional Meeting for Africa of the World Conference on Human Rights (A/CONF.157/AFRM/14-A/CONF.157/PC/57, chap. I) and the San José Declaration on Human Rights adopted by the Regional Meeting for Latin America and the Caribbean (A/CONF.157/LACRM/15-A/CONF.157/PC/58, chap. I),

1. Recalls that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized;

2. Recalls also that all human beings have a responsibility for development, individually and collectively, taking into account the need for

full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development;

3. Recognizes that the biggest obstacles to the realization of the right to development lie at the international macro-economic level as reflected in the widening gap between the North and the South, the rich and the poor;

4. Recognizes also the existence of impediments at the national level;

5. Notes with concern the lack of coordination in the United Nations system of the effective implementation of the principles contained in the Declaration on the Right to Development;

6. Urges all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

7. Encourages all States, when formulating their national policy and development plans, to include explicit provisions on the right to development and to give special consideration to all basic human needs, particularly in the fields of education, primary health care, nutrition and employment;

8. Recalls that in its resolution 47/123, the General Assembly called upon the World Conference on Human Rights and its Preparatory Committee to take fully into account the Declaration in examining the relationship between economic and social development, democracy and the enjoyment of human rights and the indivisibility and interdependency of economic, social, cultural, civil and political rights, and the fact that economic and social progress facilitates the growing trend towards democracy and the promotion and protection of human rights;

9. Takes note with appreciation of the report of the Secretary-General containing concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development;

10. Decides to establish, initially for a three-year period, a working group on the right to development, composed of fifteen experts nominated by Governments to be appointed by the Chairman of the Commission on Human Rights at its forty-ninth session, on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate:

(a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development, on the basis of information furnished by Member States and other appropriate sources;

(b) To recommend ways and means towards the realization of the right to development by all States;

11. Requests the working group to submit to the Commission at its fiftieth session an initial, comprehensive report on the obstacles affecting the implementation of the Declaration and to continue reporting to the Commission, on a yearly basis, on its work;

12. Requests the Secretary-General to ensure that the working group receives all necessary assistance, in particular the staff and resources required to fulfil its mandate;

13. Also requests the Secretary-General to invite Governments and intergovernmental organizations to communicate to the Advisory Services, Technical Assistance and Information Branch sample projects on the effective implementation of the Declaration on the Right to Development;

14. Requests the Economic and Social Council at its substantive session for 1993 and the General Assembly at its forty-eighth session under the agenda item "Human rights questions" to give particular attention to the question of the implementation of the principles contained in the Declaration on the Right to Development;

15. Decides to consider the agenda item "Question of the realization of the right to development" at its fiftieth session.

53rd meeting
4 March 1993
[Adopted by a roll-call vote of 36 to 1,
with 13 abstentions. See chap. VIII.]

1993/23. Succession of States in respect of international human rights treaties

The Commission on Human Rights,

Affirming that the consistent and effective implementation of international human rights instruments is of major importance to the strengthening of peace, international cooperation and promotion of universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the considerable changes within the international community, connected with the dissolution of States and the emergence of successor States,

Considering that as successor States they shall succeed to international human rights treaties to which the predecessor States have been parties and continue to bear responsibilities,

Emphasizing the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State, *Noting* that the confirmation of successor States to appropriate depositaries that they continue to fulfil international human rights treaty obligations of the predecessor State is important in facilitating full and effective cooperation between successor States and United Nations human rights bodies in the promotion of universal enjoyment of human rights and fundamental freedoms,

1. *Encourages* successor States to confirm to appropriate depositaries that they continue to be bound by obligations under relevant international human rights treaties;

2. *Expresses its satisfaction* that some successor States have already confirmed their succession to international human rights treaties to which the predecessor States were parties or have become parties to such treaties to which the predecessor States were not parties;

3. *Urges* successor States that have not yet done so to accede to or ratify those international human rights treaties to which the predecessor States were not parties;

4. *Requests* the Secretary-General to render advisory services with respect to succession or accession to international human rights treaties to successor States which are Members of the United Nations and to report to the Commission on Human Rights at its fiftieth session in regard to action taken under this agenda item;

5. *Decides* to continue the consideration of this question at its fiftieth session under the agenda item entitled "Status of the International Covenants on Human Rights".

57th meeting
5 March 1993
[Adopted without a vote. See chap. XVII.]

1993/24. *Rights of persons belonging to national or ethnic, religious and linguistic minorities*

The Commission on Human Rights,

Welcoming General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the text of which is annexed to that resolution,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, *inter alia*, taking due account of the Declaration,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities, Welcoming the increased attention given by human rights treaty bodies to the non-discrimination and protection of minorities,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Noting the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

Noting the importance of an even more effective implementation of international human rights instruments with regard to the rights of all persons, including those belonging to national or ethnic, religious and linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Wishing to strengthen respect for the principles of the Declaration with a view to preventing disputes involving minorities,

Noting with appreciation the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on ways and means of facilitating the peaceful and constructive solution and management of problems involving minorities by, inter alia, early warning and early action, communication and dialogue among the parties concerned, and looking forward to the final report of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

Believing that, as one means of promoting the Declaration, community mediation and other forms of voluntary dispute avoidance or resolution can contribute to the prevention or management of conflicts concerning minorities,

Believing also that the programme of advisory services and technical assistance of the Centre for Human Rights can play a useful role in providing expertise, advice and services related to minorities,

1. Calls upon all States to promote and give effect as appropriate to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly;

2. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give due regard to the Declaration, as appropriate, within their mandates;

3. Invites intergovernmental and non-governmental organizations to continue to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. Calls upon the Secretary-General to make available, at the request of Governments, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified experts familiar with minority issues, as well as with the prevention, resolution and/or management of disputes, to assist in existing or potential situations involving minorities;

5. Encourages Governments to consider availing themselves of such advisory services and technical assistance;

6. Requests the Secretary-General, in the implementation of the present resolution, to provide additional human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within the existing overall resources of the United Nations;

7. Requests the Secretary-General to report on the implementation of the present resolution under the same agenda item to the Commission at its fiftieth session.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XX.]

1993/25. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 47/129 of 18 December 1992, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration, Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance with respect to religion and belief,

Alarmed that serious incidents of intolerance and discrimination on the grounds of religion or belief occur in many parts of the world, including acts of violence, as evidenced in the report of the Special Rapporteur, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1993/62 and Corr.1 and Add.1).

Conscious that incidents of discrimination and intolerance carried out by persons or groups of persons on the grounds of religion or belief continue to occur in many parts of the world,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the forty-ninth session of the Commission;

3. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

4. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

5. Urges all States, therefore, to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

6. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

7. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

8. Also calls upon all States in accordance with their national legislation to exert their utmost efforts to ensure that religious places, buildings and shrines are fully respected and protected;

9. Recognizes that the exercise of tolerance and non-discrimination by persons and groups of persons is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

10. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

11. Reiterates, therefore, its invitation to the Secretary-General to continue to give priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

12. Encourages the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

13. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

14. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights, including with regard to the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration;

15. Encourages the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in this regard;

16. Welcomes the intention of the Human Rights Committee to make available soon a general comment on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

17. Also welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration, including the submission of their views to the Preparatory Committee for the World Conference on Human Rights;

18. Invites interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and its dissemination in national and local languages;

19. Calls upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

20. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its fiftieth session;

21. Also requests the Secretary-General to report to the Commission at its fiftieth session on measures taken to implement the present resolution;

22. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

57th meeting
5 March 1993
[Adopted without a vote. See chap. XXII.]

1993/26. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Commission on Human Rights,

Recalling article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Affirming that the struggle to eliminate slavery includes the provision of assistance to the victims and to the representatives of non-governmental organizations dealing with issues of contemporary forms of slavery,

Bearing in mind General Assembly resolution 46/122 of 17 December 1991, in which the Assembly decided to establish a voluntary trust fund on contemporary forms of slavery,

Convinced that the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery will play an important role in the protection of the human rights of victims of contemporary forms of slavery,

1. Welcomes the appointment by the Secretary-General of a Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, in accordance with General Assembly resolution 46/122;

2. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis;

3. Requests the Secretary-General to transmit to all Governments the appeal of the Commission on Human Rights for contributions to the Fund;

4. Also requests the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia, through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/27. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34 and Corr.1), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session,

Having considered the relevant Sub-Commission resolutions, including the most recent, resolution 1992/2 of 14 August 1992,

Recalling its resolution 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and its resolutions on the reports of the Working Group on Contemporary Forms of Slavery of the Sub-Commission, including the most recent, resolution 1992/47 of 3 March 1992, Recalling Economic and Social Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, and the recommendations contained in resolution 1983/30,

Recalling also Economic and Social Council resolutions 1988/34 of 27 May 1988, 1989/74 of 24 May 1989, 1990/46 of 25 May 1990, 1991/35 of 31 May 1991 and 1992/10 of 20 July 1992,

Recalling further General Assembly resolutions 38/107 of 16 December 1983 and 40/103 of 13 December 1985 on the prevention of prostitution,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its seventeenth session in implementing its programme of work, and for its continued broad approach and flexible methods of work;

2. Expresses its grave concern at manifestations of contemporary forms of slavery as reported to the Working Group;

3. Requests the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the Conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974, which contains the mandate of the Working Group on Contemporary Forms of Slavery;

4. Invites those eligible States that have not ratified or acceded to the relevant Conventions to consider doing so as soon as possible, or to explain in writing, if they so wish, why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

5. Invites intergovernmental organizations, relevant organizations of the United Nations system, including the United Nations Children's Fund, the United Nations Development Programme, the United Nations University, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the International Monetary Fund and the World Tourism Organization, as well as the International Criminal Police Organization and non-governmental organizations concerned, to continue to supply relevant information to the Working Group on Contemporary Forms of Slavery;

6. Appeals to all Governments to send representatives to the meetings of the Working Group;

7. Encourages the Sub-Commission, including its Working Group, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Conventions on slavery on the basis of the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37);

8. Recalls once again its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery, and requests the Secretary-General to report on the measures taken for this purpose to the Working Group at its eighteenth session and to the Commission on Human Rights at its fiftieth session;

9. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, under the post which has been included in the budget of the Centre for questions relating to slavery, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre on issues relating to contemporary forms of slavery, and to report on the measures taken for this purpose to the Working Group at its eighteenth session and to the Commission on Human Rights at its fiftieth session;

10. Calls upon all relevant non-governmental organizations, including those interested in the rights of children and women, to attend the sessions of the Working Group;

11. Endorses the recommendation of the Sub-Commission in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

12. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

13. Also recommends that the supervisory bodies of the International Labour Organisation give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

14. Further recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the implementation of articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of

the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34, 35, 36 and 39 of the Convention on the Rights of the Child, and that these Committees include specific questions in their guidelines for reporting with a view to preventing and combating contemporary forms of slavery;

15. Invites once again the Special Rapporteur on the sale of children to examine ways and means of further cooperating with the Working Group on Contemporary Forms of Slavery;

16. Recalls that the Economic and Social Council in its resolution 1992/10 requested the Secretary-General to submit a further report to the Council on the steps taken by Member States, organizations of the United Nations system and intergovernmental organizations to implement the recommendations contained in Council resolution 1983/30, and invites the Working Group to take these reports into account, inter alia when identifying lacunae and policy options;

17. Invites all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives;

18. Requests Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

19. Recommends that these concerns be fully considered by the Working Group at its eighteenth session.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/28. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fourth session (E/CN.4/1993/2),

Expressing its appreciation for the positive contribution made by the Sub-Commission to the work of the Commission in the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission and its particular responsibilities established, inter alia, in

Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970 and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the experts members of the Sub-Commission,

Taking note of the report of the Chairman of the Sub-Commission at its forty-fourth session (E/CN.4/1993/60) and the proposals contained therein,

Noting with appreciation the intensified dialogue and the spirit of cooperation between the Commission and the Sub-Commission through the mutual exchange of information by their respective chairpersons, in accordance with paragraphs 17 and 18 of Commission resolution 1990/64 of 7 March 1990,

Convinced of the need for a further strengthening of substantial and meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general that non-governmental organizations in consultative status with the Economic and Social Council make to the work of the Sub-Commission, in conformity with the principles embodied in Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Welcoming the report of the inter-sessional working group on the methods of work of the Sub-Commission established pursuant to Commission resolution 1992/66 (E/CN.4/Sub.2/1992/3 and Add.1) and the results of the work of the group,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles, *Reaffirming* that it remains important for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow that guidance, in the light of the mandate already granted to it, in order to ensure the complementarity of its activities with those of the Commission,

1. *Reaffirms* that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. *Calls upon* the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. *Takes note with appreciation* of the significant steps taken by the Sub-Commission to rationalize and streamline its work;

4. *Welcomes* Sub-Commission resolution 1992/8 of 26 August 1992 and the guidelines annexed thereto;

5. *Invites* the Sub-Commission to continue its consideration of ways in which its work should be improved with a view to making recommendations on the following points:

(a) Initiatives for a better coordination with the Commission on Human Rights and the other competent organs of the United Nations acting in the field of human rights;

(b) Further strengthening the independence of its experts;

(c) Proposals concerning the rationalization of the agenda, bearing in mind, *inter alia*, the relationship between the agenda of the Sub-Commission and that of the Commission on Human Rights;

(d) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session should be published separately in various languages, for example in the Fact Sheet series of the Centre for Human Rights, thus contributing to better publicity for the studies;

(e) Developing a programme of familiarization with the work of the Sub-Commission for new members and alternates, in particular by providing them in good time with a wide variety of documents of the Sub-Commission and other information material;

6. *Reaffirms* that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission;

7. *Requests* the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments to requests relating to those studies that have received prior explicit approval from the Commission;

8. *Invites* the Sub-Commission to continue to give due regard to new developments in the field of human rights;

9. *Calls upon* States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission, and to respect fully the independence of elected members;

10. *Requests* the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

11. *Invites* the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

12. *Decides* to invite the Chairman of the Sub-Commission at its forty-fourth session to come for consultations with the members of the Bureau of the Commission at an appropriate time during the meeting of the Bureau of the Commission at the conclusion of its forty-ninth session and the Chairman of the Sub-Commission at its forty-fifth session to report to the Commission at its fiftieth session on the progress made concerning the issues referred to in the present resolution and on significant aspects of the work of the Sub-Commission.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/29. *Human rights and disability*

The Commission on Human Rights,

Recalling its resolution 1992/48 of 3 March 1992, Economic and Social Council decision 1992/276 of 30 July 1992 and General Assembly resolutions 47/3 of 14 October 1992 and 47/88 of 16 December 1992,

Mindful of the need for persons with disabilities to achieve full and equal enjoyment of human rights and participation in all fields of society,

Recalling the plenary sessions of the General Assembly, held on 12 and 13 October 1992, to mark the conclusion of the United Nations Decade of Disabled Persons, *Mindful* of the need for a long-term strategy to implement the World Programme of Action concerning Disabled Persons to the year 2000 and beyond, resulting from the meeting of experts held at Vancouver, Canada, in April 1992,

Mindful also of the responsibility of Governments in removing or facilitating the removal of barriers and obstacles to the full integration in society of persons with disabilities,

Welcoming the initiative of the Government of Canada in convening the International Conference of Ministers Responsible for the Status of Persons with Disabilities, held at Montreal, Canada, on 8 and 9 October 1992,

1. *Supports* the efforts of Governments in developing national policies to reach specific objectives, taking into account the recommendations of the General Assembly contained in its resolution 47/88 of 16 December 1992 entitled "Towards full integration of persons with disabilities in society: a continuing world programme of action";

2. *Expresses its appreciation* to the Centre for Social Development and Humanitarian Affairs of the Secretariat for its efforts to coordinate and supervise the implementation of the World Programme of Action concerning Disabled Persons;

3. *Appeals* to Member States to highlight the observance of the International Day of Disabled Persons on 3 December every year with a view to the achievement of the full and equal enjoyment of human rights and participation in society by persons with disabilities;

4. *Welcomes* the establishment of a Ministers' Working Group and the decision taken as a result of its initial meeting, held in Paris on 19 January 1993, to create an international mechanism for ministers to promote cooperation and international exchange with respect to the status of persons with disabilities;

5. *Also welcomes* the adoption by the Commission for Social Development at its thirty-third session of the standard rules on the equalization of opportunities for disabled persons;

6. *Encourages* States to implement the standard rules on the equalization of opportunities for disabled persons as an essential element in the full integration into society of persons with disabilities;

7. *Reiterates the invitation* to the human rights treaty bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/30. International Year of the World's Indigenous People, 1993

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination as to race, sex, language or religion,

Recognizing the value and the diversity of cultures and the forms of social organization of the world's indigenous people,

Reiterating General Assembly resolution 45/164 of 18 December 1990, in which the Assembly proclaimed 1993 as International Year of the World's Indigenous People, with a view to strengthening international cooperation for the resolution of problems faced by indigenous communities in the areas, *inter alia*, of human rights, the environment, development, education and health, recognizing and respecting their cultural heritage,

Conscious of the need to improve the economic, social and cultural situation of the indigenous people with full respect for their particularities and their own initiatives,

Welcoming General Assembly resolution 47/75 of 14 December 1992, in which the Assembly proclaimed the International Year of the World's Indigenous People,

Appreciative of the contributions made to date to the Voluntary Fund for the International Year opened by the Secretary-General,

Noting the establishment of the fund for the development of the indigenous peoples of Latin America and the Caribbean as one kind of support sought for the objectives of the International Year,

Mindful of proposals by representatives of indigenous people in support of achieving the objectives of the International Year,

1. Calls upon the United Nations system and Governments that have not yet done so to develop policies in support of the objectives and the theme of the International Year of the World's Indigenous People and to strengthen the institutional framework for their implementation;

2. Recommends to all thematic rapporteurs, special representatives, independent experts and working groups to pay particular attention, within the framework of their mandates, to the situation of indigenous people;

3. Urges the Coordinator of the International Year to continue to solicit actively the cooperation of specialized agencies, regional commissions, financial and development institutions and other relevant

organizations of the United Nations system for the promotion of the programme of activities contained in the annex to General Assembly resolution 46/128 of 17 December 1991;

4. Appeals to the specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system to take into special account the needs of indigenous people in their budgeting and in their programming;

5. Welcomes the recommendation in General Assembly resolution 47/75 to reconvene from within existing resources, in the three working days preceding the eleventh session of the Working Group on Indigenous Populations, the technical meeting provided for in paragraph 8 of General Assembly resolution 46/128 with a view to concluding its deliberations and finalizing its report;

6. Stresses the relevance for the solution of problems faced by indigenous communities of the recommendations contained in chapter 26 of Agenda 21, including their implementation, in the report of the United Nations Conference on Environment and Development (A/CONF.151/26, vol. III);

7. Also stresses that the governmental and intergovernmental activities undertaken within the context of the International Year and beyond should take fully into account the development needs of indigenous people, their own particularities and initiatives and the need for making full use of the contributions which indigenous communities can bring to sustainable national development;

8. Notes that there is a continuing need to improve the availability and the means of dissemination of socio-economic data relating to the development needs of indigenous people and that the International Year should contribute to enhancing and to facilitating the coordination capabilities of Member States for collecting and analysing information in that area;

9. Appeals to Governments, intergovernmental and non-governmental organizations, as well as organizations of indigenous people, to contribute to the Voluntary Fund for the International Year opened by the Secretary-General;

10. Encourages the Preparatory Committee for the World Conference on Human Rights at its fourth session to consider how issues pertinent to the International Year could be addressed within the framework of the Conference, including the substantive participation of indigenous people and the Chairman-Rapporteur of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

11. Authorizes the Chairman-Rapporteur of the Working Group on Indigenous Populations to represent the Working Group of the Sub-Commission at the World Conference on Human Rights;

12. Requests the Working Group on Indigenous Populations, making its best efforts, at its eleventh session, and the Sub-Commission, at its

forty-fifth session, to complete their consideration of the draft universal declaration of indigenous rights and to submit their report to the Commission on Human Rights at its fiftieth session;

13. Requests the Coordinator of the International Year, in the report to the General Assembly at its forty-ninth session on the activities developed and the results achieved within the context of the International Year, to include an account of the response of the United Nations system to the needs of indigenous people.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/31. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts in carrying out its plan of action and to continue the elaboration of international standards in this field,

Recalling further its resolutions 1990/62 of 7 March 1990, 1991/59 of 6 March 1991 and 1992/44 of 3 March 1992 in which it recommended to the Economic and Social Council that the Working Group be authorized to meet for ten working days for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights, and the plan contained in the recommendations of the Working Group (E/CN.4/Sub.2/1991/40, annex I) and in the report of the Working Group (E/CN.4/Sub.2/1992/33, chap. VI) for the completion of the first and second readings of the text of the draft declaration,

Having examined the report of the Working Group on its tenth session (E/CN.4/Sub.2/1992/33 and Add.1),

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people, Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous people in all parts of the world,

Bearing in mind also the need to conclude, as soon as possible, a draft universal declaration on indigenous rights, reflective of the value and diversity of cultures and the forms of social organization of indigenous people,

Reaffirming the decision of the Working Group, at its first session, that its working languages are English and Spanish,

1. Takes note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/33 of 27 August 1992 on the draft universal declaration of indigenous rights;

2. Expresses its appreciation and satisfaction to the Working Group on Indigenous Populations of the Sub-Commission for its valuable work, in particular the progress made at its tenth session in the area of standard-setting;

3. Also expresses its appreciation for the active and constructive participation in the work of the Working Group of observers for Governments, the specialized agencies, non-governmental organizations and, in particular, indigenous people's organizations;

4. Welcomes the recommendation of the Sub-Commission, in its resolution 1992/33, that the Chairman-Rapporteur of the Working Group, Mrs. Erica-Irene A. Daes, be entrusted with the task of further elaborating the paragraphs of the draft universal declaration which were agreed upon at second reading, taking into consideration, inter alia, the comments on the draft declaration which will be provided by Governments, indigenous people's organizations and other interested parties pursuant to the resolution of the Sub-Commission;

5. Requests the Secretary-General to give the Chairman-Rapporteur of the Working Group the resources and assistance necessary to carry out her task;

6. Recommends to the Economic and Social Council that:

(a) The Working Group be authorized to meet for ten working days prior to the forty-fifth session of the Sub-Commission, to make its best efforts to complete a draft declaration on indigenous rights in consultation with interested Governments and indigenous people's organizations;

(b) Upon final adoption of the draft universal declaration on indigenous rights, a report be issued as a United Nations sales publication to ensure its widest distribution;

7. Urges the Working Group to intensify its efforts to continue and to complete as soon as possible the elaboration of international standards based

on a continued and comprehensive review of developments pertaining to the promotion and protection of the human rights of indigenous people and of the situation and aspirations of indigenous people throughout the world;

8. Requests the Secretary-General to give all the necessary assistance to the Working Group in discharging its task, including adequate dissemination of information about the activities of the Working Group, to Governments, specialized agencies and non-governmental and indigenous peoples' organizations, in order to encourage the widest possible participation in its work;

9. Welcomes and strongly endorses the request of the Sub-Commission to the Secretary-General to transmit the revised and reorganized text of the draft declaration to Governments, indigenous peoples' organizations and intergovernmental and non-governmental organizations well in advance of the eleventh session of the Working Group;

10. Requests the Working Group on Indigenous Populations, making its best efforts, at its eleventh session, and the Sub-Commission, at its forty-fifth session, to complete their consideration of the draft universal declaration of indigenous rights and to submit their report to the Commission on Human Rights at its fiftieth session;

11. Requests the Secretary-General:

(a) To transmit the report of the Working Group to Governments, indigenous peoples' organizations and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions aimed at the clarification, simplification and generalization of the texts contained in the annexes to the report;

(b) To ensure that all meetings of the Working Group at its eleventh and future sessions are provided with interpretation and documentation in both English and Spanish;

12. Expresses its gratitude and appreciation to the Governments and organizations that have made contributions to the United Nations Voluntary Fund for Indigenous Populations;

13. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for further contributions to the Fund;

14. Encourages all the initiatives that can be taken by Governments, indigenous communities and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group.

57th meeting
5 March 1993
[Adopted without a vote. See chap. XIX.]

1993/32. The administration of justice and human rights

The Commission on Human Rights,

Recalling its resolution 1992/31 of 28 February 1992, in which it stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice,

Recalling also its resolution 1992/52 of 3 March 1992 on regional arrangements for the promotion and protection of human rights,

Welcoming resolution AFRM/14 on the administration of justice and human rights adopted on 6 November 1992 by the Regional Meeting for Africa of the World Conference on Human Rights (see A/CONF.157/AFRM.14-A/CONF.157/PC/57, chap. II),

Emphasizing the principle of the indivisibility and interdependence of all human rights and fundamental freedoms,

Bearing in mind that the validity and universality of human rights must be promoted and protected by all,

Reaffirming the primary responsibility of all Governments to ensure respect and protection for human rights and fundamental freedoms,

Aware that the historical, cultural and traditional contexts should allow each society to develop its own national and regional mechanisms to ensure the promotion and protection of human rights,

Recognizing that the rule of law and proper administration of justice are prerequisites for sustainable economic and social development,

Recognizing also the central role of the administration of justice in the promotion and protection of human rights,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

1. *Emphasizes* that civil and political rights cannot be separated from economic, social and cultural rights or from rights embodied in other international instruments on human rights;

2. *Reaffirms* the standards set forth in the International Bill of Human Rights, the African Charter on Human and Peoples' Rights and other international and regional human rights instruments;

3. *Acknowledges* that it is the primary responsibility of all Governments to promote and protect human rights;

4. Commends the considerable efforts of African and other developing countries to improve the administration of justice and to promote and protect human rights notwithstanding the limited financial and material resources at their disposal;

5. Urges Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more resources to them;

6. Also urges Governments to strengthen the existing national and regional human rights institutions, particularly in developing countries, to enable them to contribute more actively to the promotion and protection of human rights;

7. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights;

8. Appeals to the international community to provide assistance, at the request of the Governments concerned, for the provision of legal aid services with a view to ensuring the promotion, protection and full enjoyment of human rights in African and other developing countries;

9. Invites the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights in African and other developing countries with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

10. Commends those developed countries that have over the years given financial assistance to the United Nations programme of advisory services and technical cooperation in the field of human rights, and appeals to them to consider increasing their assistance;

11. Urges the Secretary-General to consider favourably applications for assistance made by African Member States and other developing countries regarding the creation and strengthening of national institutions concerned with the administration of justice within the framework of the United Nations programme of advisory services and technical cooperation in the field of human rights.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/33. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolution 1992/24 of 28 February 1992,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1993/20), submitted pursuant to its resolution 1992/24,

Welcoming also the consultations conducted by the Working Group on Enforced or Involuntary Disappearances with certain organizations and individuals in the field of forensic science and human rights and the elaboration by the Working Group of a preliminary scheme for establishing a standing team of forensic experts,

Noting that the need by Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances has been emphasized in the reports of the Working Group and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Noting also that forensic science can help to reunite children of disappeared persons forcefully separated from their parents with their surviving relatives,

Noting further that forensic medicine is an important tool in detecting evidence of torture,

Noting that in many of the countries concerned, sufficient expertise in forensic science and related fields to investigate human rights violations effectively is not available,

Recognizing that training of local teams in responsible exhumation and identification procedures is a prerequisite for the effective investigation of human rights violations,

Aware that a number of Governments have requested the Secretary-General to provide technical assistance in this regard,

Also aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts to assist them in carrying out their human rights mandates,

Recalling the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989, *Considering* the proposed model autopsy protocol prepared under United Nations auspices contained in the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* (United Nations publication, Sales No. E.91.IV.1),

1. *Invites* States to take measures to introduce into their rules and practices the international standards set forth in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, as well as the model autopsy protocol set forth in the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*;

2. *Requests* the Secretary-General to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his report and other interested institutions with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes;

3. *Also requests* the Secretary-General to establish, on the basis of these consultations and on the basis of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances to render active assistance, a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

4. *Further requests* the Secretary-General to make this list available to the special rapporteurs and experts of the United Nations human rights mechanisms so that they may request these experts to assist them in evaluating documents and other evidence and to accompany them on country visits;

5. *Requests* the Secretary-General to provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing the present resolution;

6. *Also requests* the Secretary-General to report to the Commission at its fiftieth session on progress made in this matter and to make such recommendations as he may consider appropriate;

7. *Decides* to consider the question at its fiftieth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/34. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, in which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see E/CN.4/1991/66), intended to establish a preventive system of regular visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, by which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Taking note with satisfaction of the observations presented by Governments, United Nations bodies, the Chairman of the Committee against Torture, the Special Rapporteur on the question of torture, the Chairman of the European Committee for the Prevention of Torture and non-governmental organizations, and of the participation of several of them in the working group on the draft optional protocol,

Considering that the working group, after having received the valuable contributions of experts from various international or regional bodies engaged in combating torture, has achieved useful progress in the context of the initial consideration of the draft optional protocol,

Considering also that most delegations have recognized the importance of periodic visits to places of detention in order to reinforce the protection of persons deprived of freedom against torture and other cruel, inhuman or degrading treatment or punishment, and that such recognition constitutes the fundamental motivation for the continuation of the efforts of the working group to devise an effective mechanism, acceptable to the greatest possible number of States,

Recalling General Assembly resolution 47/113 of 16 December 1992, in which the Assembly noted with appreciation that the open-ended working group of the Commission on Human Rights had embarked on the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/28 and Corr.1) and welcomes the substantial progress it has made at its first session, which enabled an exhaustive analysis to be made of the essential basic principles of the draft;

2. Requests the working group to meet between sessions for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work and submit a report to the Commission;

3. Requests the Secretary-General to transmit the report of the working group to Governments, the specialized agencies, the chairmen of the human rights treaty bodies, the Special Rapporteur on the question of torture and the intergovernmental and non-governmental organizations concerned, and to invite them to submit their observations to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies, non-governmental organizations, the Chairman of the Committee against Torture and the Special Rapporteur on the question of torture to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all necessary facilities to the working group for its meetings prior to the fiftieth session of the Commission;

6. Decides to consider the report of the working group at its fiftieth session under the subitem entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" in the context of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/35. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons, *Recalling* its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1990/30 of 2 March 1990, 1991/41 of 5 March 1991 and 1992/30 of 28 February 1992,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Convinced of the need to continue implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearance and helping to eliminate enforced disappearances, duly taking into account the provisions of the Declaration,

Noting General Assembly resolution 47/132 of 18 December 1992,

Deeply concerned at the persistence of the practice of enforced disappearances in various parts of the world,

Concerned at the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Recalling in this connection its resolution 1992/59 of 3 March 1992 on cooperation with representatives of United Nations human rights bodies,

Emphasizing the relevance of its resolution 1992/24 of 28 February 1992 on forensic science to the activities of the Working Group on Enforced or Involuntary Disappearances,

Having considered the report of the Working Group (E/CN.4/1993/25 and Add.1),

1. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for the way in which it is performing its task, and thanks it for submitting a report to the Commission in accordance with resolution 1992/30;

2. *Takes note* of the report of the Working Group and thanks it for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;

3. *Requests* the Working Group, in its efforts to help to eliminate the practice of enforced disappearances, to submit to the Commission all information it deems necessary and any specific recommendations it may have regarding the fulfilment of its task;

4. *Reminds* the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the treatment of communications and the consideration of Government replies;

5. Invites all Governments to take appropriate legislative or other steps to prevent and punish the practice of enforced disappearances, with special reference to the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end nationally, regionally and in cooperation with the United Nations;

6. Notes with concern, as the Working Group stresses in its report, that some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their countries;

7. Deplores the fact that, as the Working Group points out in its report, some Governments have not acted on the recommendations concerning them made in the reports of the Working Group, and requests the Working Group to continue to submit to the Commission information on the follow-up to its recommendations;

8. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to cooperate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to reply expeditiously to its requests for information;

9. Also urges the Governments concerned to intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

10. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

11. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

12. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced disappearances;

13. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

14. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

15. Requests the Working Group, pursuant to its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance, and to modify its working methods if necessary;

16. Invites the Working Group to cite in its future reports any obstacles to the proper application of the Declaration, and to recommend means of overcoming them;

17. Also invites the Working Group to continue to consider the question of impunity, drawing in particular on the comments of States and non-governmental organizations, in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, with due regard for the relevant provisions of the Declaration;

18. Requests the Working Group to pay attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify these children;

19. Also requests the Working Group to report on its work to the Commission at its fiftieth session and to continue to discharge its mandate discreetly and conscientiously;

20. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions, following them up and holding sessions in countries that would be prepared to receive it;

21. Also requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/36. Question of arbitrary detention

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse the available information concerning the practice of administrative detention without charge or trial, and to make appropriate recommendations on the use of this practice,

Recalling also its resolution 1989/38 of 6 March 1989, its decision 1990/107 of 7 March 1990 and its resolution 1992/28 of 28 February 1992, Reaffirming articles 3, 9, 10 and 29 as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Having taken note with appreciation, at its forty-seventh session, of the revised report by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1) and of the recommendations formulated therein,

Recalling that the General Assembly, in its resolution 43/173 of 9 December 1988, adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which also covers administrative detention, and that, consequently, there is no longer a purpose in treating the question of administrative detention independently, even if, in certain cases, the procedure of administrative detention gives rise to specific abuses,

Recalling also its resolution 1991/42 of 5 March 1991, in which it decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Recalling further that, in its resolution 1992/28 of 28 February 1992, it expressed its satisfaction to the Working Group on Arbitrary Detention at the diligence with which it had devised its methods of work,

Having considered the report of the Working Group (E/CN.4/1993/24),

Having heard the comments made during the forty-ninth session of the Commission,

1. Expresses its appreciation to the Working Group on Arbitrary Detention for the way in which it carries out its task, more particularly for the importance that it attaches to respect for the adversarial procedure in its dialogue with States, and to seeking the cooperation of all those concerned by the cases submitted to it for consideration;

2. Takes note with satisfaction of the Working Group's report and thanks the experts for the rigour with which they have performed their task, in the light of the very specific nature of their mandate of investigating cases;

3. Requests the Working Group to continue, in discharging its mandate, to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

4. Considers that the Working Group, within the framework of its mandate, and aiming still at objectivity, could take up cases on its own initiative;

5. Invites the Working Group to continue to take account, in fulfilling its mandate, of the need to carry out its task with discretion, objectivity and independence and to continue to improve its methods of work;

6. Takes note of the "deliberations" adopted by the Working Group on issues of a general nature (see E/CN.4/1993/24, sect. II) with a view to achieving better prevention and to facilitating the consideration of future cases as well as helping to further strengthen the impartiality of its work;

7. Welcomes the importance that the Working Group attaches to coordination with other mechanisms of the Commission as well as with treaty-monitoring bodies, and invites it to take a position in its next report on the issue of the admissibility of cases submitted to the Working Group when they are under consideration by other bodies;

8. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and asks all Governments concerned to demonstrate the same spirit of cooperation;

9. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final decision on the character of the detention;

10. Calls upon Governments concerned to pay due heed to the Working Group's decisions and, where necessary, to take appropriate steps and inform the Working Group, within a reasonable period of time, of the follow-up to the Group's recommendations so that it can report thereon to the Commission;

11. Encourages Governments to consider inviting the Working Group to their countries so as to enable the Group to discharge its protection mandate even more effectively and also to make concrete recommendations concerning the promotion of human rights, in the spirit of the advisory or technical assistance services, that may be of help to the countries concerned;

12. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

13. Notes with concern that, according to the Working Group, the practice of arbitrary detention is facilitated and aggravated by several factors such as abuse of states of emergency, too vague a definition of offences against State security, and the existence of special jurisdictions;

14. Expresses its concern at the fact that most cases of arbitrary deprivation of liberty are motivated by exercise of the right to freedom of opinion and expression;

15. Greatly encourages States to endeavour to take appropriate measures and ensure that the legislation in these three fields is in conformity with the relevant international instruments;

16. Also encourages States, in accordance with its resolution 1992/35 of 28 February 1992, entitled "Habeas corpus", and with the recommendations of the Working Group, to establish a procedure such as habeas corpus and maintain it in all circumstances, including during states of emergency;

17. Requests the Secretary-General to ensure that the Working Group receives all the necessary assistance, particularly in regard to staffing and appropriate resources to discharge its mandate, including the organization, carrying out and follow-up of missions in countries wishing to invite the Working Group;

18. Requests the Working Group to submit a report to the Commission, at its fiftieth session, and to make all suggestions and recommendations for better fulfilment of its task, particularly in regard to ways and means of ensuring the follow-up to its decisions, in cooperation with Governments;

19. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/37. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, in which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1992/25 of 28 February 1992, Taking note of General Assembly resolutions 47/111 and 47/113, both of 16 December 1992,

Recalling the decision of 9 September 1992 of the States parties to the Convention to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to add a new paragraph as paragraph 4 of article 18, stating that the members of the Committee established under the Convention shall henceforth receive emoluments from United Nations resources on such terms as the General Assembly will decide,

Welcoming the endorsement of these amendments by the General Assembly in its resolution 47/111,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex), as well as of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Seriously concerned about the alarming number of cases of torture and other cruel, inhuman or degrading treatment or punishment which continue to be reported from various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Considering the important functions of the Committee against Torture under the Convention,

Recalling that in its resolution 1985/33 of 13 March 1985, the Commission decided to appoint a special rapporteur to examine questions relevant to torture and also recalling its subsequent decisions to continue his mandate,

Taking note of the outcome of the first session of the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention,

1. Welcomes the report of the Committee against Torture on its seventh and eighth sessions (A/47/44);

2. Takes note of the report of the Secretary-General (E/CN.4/1993/21) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Encourages the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

4. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties that have not yet paid their assessed contributions to fulfil their obligations forthwith;

5. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties and especially its revision of the general guidelines for the submission of reports by States parties (CAT/C/4/Rev.2), as well as its practice of formulating concluding observations after the consideration of such reports;

6. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

7. Urges all States to become parties to the Convention as a matter of priority;

8. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

9. Requests the Secretary-General to continue to submit to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

10. Decides to consider the report of the Secretary-General at its fiftieth session under the agenda sub-item "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/38. United Nations Voluntary Fund for Victims of Torture

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, and Assembly resolution 47/109 of 16 December 1992,

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind its resolution 1992/27 of 28 February 1992,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims of torture and their families,

Taking note of the information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/47/662),

Taking note also of the actions taken by the Secretary-General, through the staff of the Centre for Human Rights, to assist the Board of Trustees of the Fund in its efforts to increase public awareness of the Fund and its humanitarian work,

Taking note with appreciation of the note by the Secretary-General (E/CN.4/1993/23) submitting the report entitled "Consolidated report on ten years (1982-1992) of the United Nations Voluntary Fund for Victims of Torture",

Recalling the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, *inter alia*, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Taking account of the fund-raising campaign launched on the recommendation of the Board of Trustees at its eleventh session, held from 22 April to 1 May 1992, to enhance the capacity of the Fund to respond more favourably to the increasing number of requests for assistance to victims of torture,

Taking account also of the repeated requests by the Board of Trustees of the Fund to receive for the operations of the Fund adequate staff, as well as computer equipment to process efficiently the increasing number of projects in the programme portfolio of the Fund,

Noting with satisfaction that international centres for the rehabilitation of torture victims have been established which play an important role in providing assistance to victims of torture, and noting the collaboration of the Fund with these centres,

1. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has carried out;

2. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the Fund;

3. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, on a regular basis if possible, and to the fund-raising campaign launched in 1992;

4. Calls upon the Secretary-General to consider the possibility of arranging a special pledging session for the Fund in the context of the World Conference on Human Rights, to be held in Vienna from 14 to 25 June 1993;

5. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

6. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and computer equipment for the operations of the Fund;

7. Also requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/39. Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1992/26 of 28 February 1992, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and experts and their families were fully respected, and to submit to the Commission at its forty-ninth session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Welcoming Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/24 of 27 August 1992, in which the Sub-Commission, inter alia, expressed its appreciation to its

Special Rapporteur, Mrs. Mary Concepción Bautista, for the work she had carried out aimed at improving on a long-term basis the protection of personnel of the United Nations system and their families, as well as of experts and consultants, and expressed satisfaction at the recommendations contained in the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/19, chap. III, B),

Considering that at a time when the United Nations is undertaking greater responsibilities in various parts of the world, particularly in peace-keeping missions and humanitarian operations in difficult conditions, it is imperative that its staff members be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provisions of the Charter of the United Nations and other international instruments,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be detained, imprisoned, missing or held in a country against their will,

Gravely concerned also that a significant number of United Nations staff members, recruited nationally or internationally, have been killed since January 1992,

Noting the need for updated and complete information on the situation of the United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country, may contribute to a faster solution of cases,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

Having examined the updated report of the Secretary-General on detention of international civil servants and their families (E/CN.4/1993/22) and the final report of the Special Rapporteur on the protection of the human rights of United Nations staff members, experts and their families,

1. Takes note with interest of the updated report of the Secretary-General;

2. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for her final report on the protection of the human rights of United Nations staff members, experts and their families;

3. _Requests_ the Secretary-General to take steps aimed at ensuring the application without delay of all the recommendations contained in the final report of the Special Rapporteur;

4. _Appeals once again_ to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and their families;

5. _Requests_ the Secretary-General to continue his efforts to ensure that the human rights, security, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress and compensation for the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities have been violated;

6. _Urges_ Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay;

7. _Also urges_ Member States to allow medical teams to investigate the health of staff members, experts and their families who are being detained in order to provide them with the necessary medical assistance;

8. _Calls upon_ Member States to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

9. _Requests_ the existing human rights mechanisms, including the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine as appropriate the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants, and to transmit the relevant part of their reports to the Secretary-General for inclusion in his report to the Commission on Human Rights;

10. _Requests_ the Secretary-General to submit to the Commission at its fiftieth session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled since the submission of the last report, as well as on the implementation of the measures referred to in paragraphs 6 and 7 of the present resolution.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/40. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Noting with appreciation that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Welcoming the establishment at the regional level, in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for another three years in resolution 1992/32 of 28 February 1992, while maintaining the annual reporting cycle,

Welcoming a continuing exchange of views between the Special Rapporteur and the Committee against Torture established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Working Group on Arbitrary Detention and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as contacts with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment, Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the Special Rapporteur underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991 and 1992/32 of 28 February 1992,

1. Commends the Special Rapporteur on his report (E/CN.4/1993/26);

2. Stresses the repeated conclusions and recommendations of the Special Rapporteur concerning the importance of instituting a system of periodic visits by independent experts to places of detention as a highly effective preventive measure against the occurrence of torture;

3. Also stresses the recommendation of the Special Rapporteur that the judiciary should play an active role in guaranteeing to detainees the rights they have in accordance with international and national standards;

4. Recalls that incommunicado detention is highly conducive to torture practices and that in the Special Rapporteur's view incommunicado detention should be forbidden;

5. Stresses again the recommendation of the Special Rapporteur that the right to have access to a lawyer is one of the basic rights of a person who is deprived of his liberty and that restrictions on this right should therefore be exceptional and always subject to judicial control;

6. Also stresses the recommendation of the Special Rapporteur that each person should have the right to initiate promptly after his arrest proceedings before a court on the lawfulness of his detention, in conformity with the International Covenant on Civil and Political Rights;

7. _Recalls_ the recommendations of the Special Rapporteur that Governments and professional and medical associations should take strict measures against members of the medical profession who play a role in the practice of torture;

8. _Stresses_ the repeated recommendations of the Special Rapporteur that interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or hooding of detainees during interrogation should be absolutely forbidden;

9. _Also stresses_ the repeated recommendations of the Special Rapporteur pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;

10. _Endorses_ the recommendation of the Special Rapporteur that those who violate article 7 of the Covenant on Civil and Political Rights, whether by encouraging, ordering, tolerating or perpetrating prohibited acts, must be held responsible and that whenever a complaint of torture is found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture is found to have taken place;

11. _Calls upon_ all States that have not yet done so to become as soon as possible parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

12. _Emphasizes_ the importance of training programmes for law enforcement and security personnel and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

13. _Encourages_ the Special Rapporteur to make appropriate recommendations concerning situations in which advisory services to judicial, law enforcement, detention and other authorities might assist interested Governments in combating the occurrence of torture;

14. _Urges_ the Secretary-General to make available, as part of the United Nations programme of advisory services in the field of human rights, qualified experts in law enforcement, detention and medicine to assist Governments, at their request, in their efforts to prevent the occurrence of torture;

15. _Decides_ that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

16. Considers it desirable that the Special Rapporteur should continue to have a further exchange of views with the various mechanisms and bodies entrusted with the task of combating torture, in particular with a view to enhancing further their effectiveness and mutual cooperation;

17. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

18. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

19. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

20. Expresses its thanks to the Governments that have invited the Special Rapporteur and requests them to give due consideration to his recommendations and to keep him informed without delay of action taken thereon;

21. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

22. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

23. Takes note with regret of the resignation of Mr. P. Kooijmans as Special Rapporteur and expresses its gratitude to him for the manner in which he has discharged his functions;

24. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as a special rapporteur;

25. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its fiftieth session.

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/41. Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the opportunity offered to States parties to the International Covenant on Civil and Political Rights, if they so wish, to become parties to its Optional Protocols,

Welcoming the important work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Emphasizing the importance of coordinating the activities of the Commission on Crime Prevention and Criminal Justice and the human rights programme in this field,

Guided by General Assembly resolution 46/120 of 17 December 1991,

Recalling its resolution 1992/31 of 28 February 1992,

1. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure more effective implementation of these standards, taking into account the recommendations of the General Assembly in its resolution 43/153 of 8 December 1988 for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Again calls upon its subsidiary bodies, including its special rapporteurs and working groups, to give special attention to questions relating to the effective protection of human rights in the administration of justice, in particular with regard to unacknowledged detention of persons, and

to provide, wherever appropriate, specific recommendations in this regard, including proposals for possible concrete measures under advisory services programmes;

5. Stresses the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice;

7. Also requests the Sub-Commission to formulate concrete proposals to the Secretary-General regarding the utility and the format of his reports pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment;

8. Invites the Commission on Crime Prevention and Criminal Justice to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards;

9. Decides to consider the question at its fiftieth session under the agenda item "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/42. Question of human rights and states of emergency

The Commission on Human Rights,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/22 of 27 August 1992,

1. Recommends the inclusion in the agenda of the World Conference on Human Rights of an item entitled "Strengthening of the protection of human rights during states of emergency";

2. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B. draft decision 15.]

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/43. Question of the impunity of perpetrators of violations of human rights

The Commission on Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Convinced that the increasingly widespread practice of impunity for perpetrators of violations of human rights in various regions of the world is a fundamental obstacle to the observance of human rights,

Recalling the comments that have been made for a number of years on this subject by, in particular, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the Special Rapporteurs of the Sub-Commission,

1. Takes note with satisfaction of the working paper (E/CN.4/Sub.2/1992/18) prepared by Mr. El Hadji Guissé and Mr. Louis Joinet pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1991/110 of 29 August 1991;

2. Endorses the decision of the Sub-Commission in its resolution 1992/23 of 27 August 1992 to request Mr. Guissé and Mr. Joinet to draft a study on the impunity of perpetrators of violations of human rights in order, in particular, to determine the scope of the phenomenon of impunity and to propose measures to combat that practice;

3. Requests the Secretary-General to provide the Special Rapporteurs with any assistance they require in order to discharge their tasks;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 16]

57th meeting
5 March 1993
[Adopted without a vote. See chap X.]

1993/44. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4 and 26 of the International Covenant on Civil and Political Rights, *Convinced* that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolutions 1989/32 of 6 March 1989, 1990/33 of 2 March 1990, 1991/39 of 5 March 1991 and 1992/33 of 28 February 1992,

Recalling also General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and invited Governments to respect them and take them into account within the framework of their national legislation and practice,

Taking note of General Assembly resolution 46/120 of 17 December 1991 in which the Assembly, welcoming the recommendations contained in the first report of the Special Rapporteur (E/CN.4/Sub.2/1991/30 and Add. 1-4) and endorsed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and also welcoming the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a further report, reaffirmed the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice,

Having examined the report on the independence of the judiciary and the protection of practising lawyers prepared by the Special Rapporteur pursuant to Sub-Commission resolution 1991/35 of 29 August 1991 (E/CN.4/Sub.2/1992/25 and Add.1),

1. *Welcomes* the recommendations contained in the report of the Special Rapporteur and endorsed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/38 of 28 August 1992;

2. *Endorses* the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers:

(a) To bring to the attention of the Sub-Commission information on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards;

(b) To propose specific recommendations regarding the independence of the judiciary and the protection of practising lawyers, to be taken into account in the advisory services and technical assistance programmes and projects of the United Nations and, in that regard, to follow up the recommendations contained in his first report;

(c) To examine the ways and means of enhancing cooperation and avoiding overlapping and duplication in the work of the Commission on Crime Prevention and Criminal Justice and that of the Sub-Commission;

(d) To elaborate on the recommendations contained in his report;

3. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 17.]

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/45. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall be only such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989, 1989/56 of 7 March 1989, 1990/32 of 2 March 1990, 1991/32 of 5 March 1991 and 1992/22 of 28 February 1992,

Taking note of the preliminary report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11) and the updated preliminary report (E/CN.4/Sub.2/1991/9) submitted to the Sub-Commission at its forty-second and forty-third sessions, respectively, by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk, Taking note also of the final report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1992/9) and the conclusions and recommendations (E/CN.4/Sub/1992/9/Add.1) presented by the Special Rapporteurs to the Sub-Commission at its forty-fourth session,

Noting the importance and relevance of the work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, and welcoming the fact that the working group has finished the first reading and has commenced the second reading of the draft declaration at its meeting from 18 to 29 January 1992,

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

Noting the comment in the final report of the Special Rapporteurs that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, publishers and printers,

1. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

2. Also expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

3. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who seek to promote and defend these rights and freedoms;

4. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression, and expresses in this regard its concern at the growing number of

reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at such professionals;

5. Underlines in this regard that the Working Group on Arbitrary Detention, in its methodology of work (E/CN.4/1992/20, annex I) examines cases of denial of freedom following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights concerning the right to freedom of expression and opinion;

6. Welcomes the release of persons detained for exercising these rights and freedoms and encourages further progress in this regard;

7. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights, to take the appropriate steps to ensure the immediate cessation of these acts and to create the conditions under which these acts may be less liable to occur;

8. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services;

9. Invites once again the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression, as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

10. Commends the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Louis Joinet and Mr. Danilo Türk, for their final report, including conclusions and recommendations;

11. Requests the Chairman of the Commission to appoint, for a period of three years, after consultations with other members of the Bureau, an individual of recognized international standing as special rapporteur on the promotion and protection of the right to freedom of opinion and expression;

12. Requests the Special Rapporteur to gather all relevant information, wherever it may occur, of discrimination against, threats or use of violence and harassment, including persecution and intimidation, directed at persons seeking to exercise or to promote the exercise of the right to freedom of

opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights, taking into account the work being conducted by other mechanisms of the Commission and Sub-Commission which touches on this right, with a view to avoiding duplication of work;

13. _Also requests_ the Special Rapporteur, as a matter of high priority, to gather all relevant information, wherever it may occur, of discrimination against, threats or use of violence and harassment, including persecution and intimidation, against professionals in the field of information seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

14. _Further requests_ the Special Rapporteur to seek and receive credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these cases;

15. _Urges_ all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks and to furnish all information requested;

16. _Requests_ the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary, within existing overall United Nations resources, to fulfil his or her mandate;

17. _Invites_ the Special Rapporteur to note the work being carried out on the right to freedom of opinion and expression in the specialized agencies and other organizations of the United Nations system;

18. _Requests_ the Special Rapporteur to submit to the Commission, beginning at its fiftieth session, a report covering the activities relating to his or her mandate, noting the work being conducted by other mechanisms of the Commission and Sub-Commission which touches on the right to freedom of expression and opinion, containing recommendations to the Commission and providing suggestions on ways and means to better promote and protect the right to freedom of opinion and expression in all its manifestations, as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

19. _Decides_ to review this matter at its fiftieth session;

20. _Recommends_ the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 18.]

57th meeting
5 March 1993
[Adopted without a vote. See chap. X.]

1993/46. Integrating the rights of women into the human rights mechanisms of the United Nations

The Commission on Human Rights,

Conscious of the importance of the mechanisms established by the United Nations for the promotion, protection and implementation of the human rights of women and men,

Concerned that women are susceptible to particular sorts of human rights abuse,

Mindful of the need for the Commission to be aware of any such abuses at an early stage wherever they may occur,

Noting the particular role of the Commission on the Status of Women in promoting equality between women and men,

Commending the report submitted by the Secretary-General (E/CN.6/1993/12) containing a draft declaration on the elimination of violence against women to be submitted to the Commission on the Status of Women at its thirty-seventh session,

Bearing in mind the desirability of closer communication between the Commission on the Status of Women and other United Nations human rights bodies and between the Committee on the Elimination of Discrimination against Women and other treaty bodies,

Welcoming the reaffirmation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1992/4 of 14 August 1992, that the rights of women are recognized as inalienable human rights and that they should be treated as such in all United Nations bodies, including the Commission on Human Rights,

Wishing to ensure that information concerning violations of the rights of women is integrated regularly and systematically into all United Nations mechanisms for the promotion, protection and implementation of human rights,

Recalling that the Centre for Human Rights was requested to utilize gender-disaggregated data in the preparation of studies for the World Conference on Human Rights,

1. Condemns all acts of violence and violations of human rights directed specifically against women including those in situations of armed conflict;

2. Requests all special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations affecting women;

3. Requests the secretariat to ensure that special rapporteurs, experts and working groups are fully apprised of the particular ways in which the rights of women are violated;

4. Invites Governments to include gender-disaggregated data in the information that they provide;

5. Encourages closer cooperation between the Commission on Human Rights and the Commission on the Status of Women and their respective secretariats in the promotion, protection and implementation of the rights of women, as well as between the Committee on the Elimination of Discrimination against Women and other treaty bodies;

6. Decides to consider the appointment of a special rapporteur on violence against women at its fiftieth session, taking into account the work of the Commission on the Status of Women on, inter alia, the issue of violence against women, the results of the World Conference on Human Rights and the results of the work undertaken pursuant to the present resolution;

7. Requests the Secretary-General to consult with all United Nations human rights bodies, including the treaty bodies, on the implementation of the present resolution, and invites him to report thereon to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session.

60th meeting
8 March 1993
[Adopted without a vote. See chap. XI.]

1993/47. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of civil and political rights have earned an important position among its human rights monitoring mechanisms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolutions 1991/31 of 5 March 1991 and 1992/41 of 28 February 1992,

Recalling also its various resolutions in which it urged Governments to intensify their cooperation with the thematic special rapporteurs and working groups and to provide information requested on any measures taken in pursuance of recommendations addressed to them,

1. Commends those Governments that have invited any of the thematic special rapporteurs or the Working Group on Enforced or Involuntary Disappearances to visit their countries;

2. Recommends that Governments consider follow-up visits designed to assist them with effective implementation of recommendations by the thematic special rapporteurs and working groups;

3. Encourages Governments to respond expeditiously to requests for information made to them through the procedures, so that the thematic special rapporteurs concerned, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention may carry out their mandates effectively;

4. Also encourages Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic special rapporteur or working group to visit their countries;

5. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

6. Invites the thematic special rapporteurs and working groups to include in their annual reports information provided by Governments on follow-up action, as well as their own observations thereon;

7. Invites non-governmental organizations to continue their cooperation with the thematic procedures;

8. Encourages the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations carried out within their respective mandates;

9. Also encourages the thematic special rapporteurs and working groups to continue to cooperate closely with relevant treaty bodies and country rapporteurs;

10. Requests the thematic special rapporteurs and working groups to include in their reports gender-disaggregated data, as well as comments on problems of responding and the results of analyses, as appropriate, in order to exercise their mandates even more effectively;

11. Requests the Secretary-General to consider the possibility of convening a meeting of all the thematic special rapporteurs and the Chairmen of working groups of the Commission on Human Rights in order to enable an exchange of views and closer cooperation;

12. Also requests the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually their conclusions and recommendations;

13. Further requests the Secretary-General, in implementing the regular budget of the United Nations for the biennium 1992-1993, to ensure the availability of such resources as are necessary for an effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/48. Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers

The Commission on Human Rights,

Recalling its resolution 1992/42 of 28 February 1992,

Deeply concerned at the persistent acts of violence committed in many countries by armed groups that spread terror among the population and by drug traffickers, frequently acting together,

Recalling that such acts prevent the unimpeded exercise of civil and political rights, such as participation in free elections, the right to peaceful assembly, freedom of association and trade union rights, as well as the exercise of economic, social and cultural rights, affecting adversely the well-being of peoples and causing severe damage to the economic infrastructure and production of countries,

Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, has the responsibility to strive for the promotion and observance of the rights recognized in the International Covenants on Human Rights,

Acknowledging the invaluable contribution made by non-governmental organizations to the constant monitoring of all matters related to human rights and fundamental freedoms,

Reiterating emphatically that all international obligations relating to the promotion and protection of human rights and fundamental freedoms must be honoured at all times,

1. Reiterates its deep concern at the adverse effect on the enjoyment of human rights of persistent acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population and by drug traffickers;

2. Requests all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the enjoyment of human rights of such acts of violence committed by armed groups, regardless of their

origin, that spread terror among the population and by drug traffickers in their forthcoming reports to the Commission on the situation of human rights in those countries where such acts of violence occur;

3. Encourages non-governmental organizations to bear in mind the adverse effect on the enjoyment of human rights of the acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population and by drug traffickers;

4. Requests the Secretary-General to continue collecting information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned for their consideration;

5. Decides to continue its consideration of the question as a matter of high priority at its fiftieth session.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/49. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly resolutions on this subject, in particular resolutions 43/128 of 8 December 1988, 44/61 of 8 December 1989, 45/99 of 14 December 1990 and 47/128 of 18 December 1992, as well as its own resolutions 1989/53 of 7 March 1989, 1990/72 of 7 March 1990, 1991/24 of 5 March 1991 and 1992/38 of 28 February 1992,

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Acknowledging the valuable role that non-governmental organizations can play in these endeavours,

Believing that the World Public Information Campaign for Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1993/29 and Add.1);

2. Appreciates the measures taken by the Secretariat to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in cooperation with regional, national and local organizations, as well as with Governments;

3. Welcomes the recent efforts of the Centre for Human Rights to carry out a comprehensive review of the programme of information in the field of human rights and to elaborate a new information strategy as described in the report of the Secretary-General;

4. Notes with appreciation the new approach of the Centre for Human Rights to the development of training courses and materials, which are designed to be practical in their content, audience-specific and culturally adaptable and which include information on effective pedagogical techniques, and welcomes the decision of the Centre for Human Rights to convene a series of expert meetings in 1993 for the purpose of elaborating training manuals based on this new approach;

5. Requests the Secretary-General to afford particular attention, within the framework of the World Public Information Campaign for Human Rights, to activities aimed at disseminating information on the World Conference on Human Rights and its outcome and welcomes the recent initiatives of the Secretariat to develop supplementary public information activities for the World Conference;

6. Takes note with appreciation of the progress made by the Centre for Human Rights in the updating and supplementing of the publications entitled Human Rights: A Compilation of International Instruments, Human Rights: Status of International Instruments and United Nations Action in the Field of Human Rights, consistent with General Assembly resolution 46/116 of 17 December 1991;

7. Encourages the Centre for Human Rights to continue its review of the programme of translation of human rights instruments, with a view to increasing both the range of instruments translated and the number of language versions produced and making full use of the valuable assistance of national non-governmental organizations, and requests the Department of Public Information to make every effort to ensure the broadest possible availability and dissemination, through United Nations information centres, of instruments translated, particularly the Universal Declaration of Human Rights;

8. Urges the Secretary-General to utilize more fully and effectively United Nations information centres for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms and, to this end, to ensure that

United Nations information centres are supplied with adequate quantities of those materials, both in the official languages of the United Nations and in the relevant national languages;

9. Requests the Secretary-General to ensure that recent periodic reports of States parties to treaty-monitoring bodies, the summary records of the discussions on them and the concluding observations adopted by the relevant body are available in the United Nations information centres in the countries which have submitted these reports;

10. Requests the Department of Public Information to make full use of its available resources in the field of human rights to produce audio-visual materials on human rights issues, as specifically requested in paragraph 4 of General Assembly resolution 45/99, and to increase the print-run of the information and reference material produced by the United Nations for worldwide distribution;

11. Stresses the need for close cooperation between the Centre for Human Rights and the Department of Public Information, inter alia in the implementation of the World Public Information Campaign for Human Rights, and requests the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in this process, including in the dissemination of human rights materials;

12. Encourages all Member States to make special efforts, particularly in view of the World Conference on Human Rights, to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, and to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

13. Urges all Member States to include in their educational curricula, at the primary, secondary and post-secondary levels, materials relevant to a comprehensive understanding of human rights issues and, recalling the publication by the Centre for Human Rights of the booklet Teaching Human Rights, encourages the production by the Centre of further materials for this purpose;

14. Appreciates the enhanced cooperation between the Centre for Human Rights and the Division for the Advancement of Women and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat, and emphasizes the need for the Secretariat to harmonize its public information activities with those of other relevant international bodies, including the International Committee of the Red Cross, with regard to the dissemination of information on international humanitarian law;

15. Requests the Secretary-General to make provision in the regular budget of the United Nations for increased resources for activities within the

framework of the World Public Information Campaign for Human Rights, and encourages Member States to consider making voluntary contributions to the funding of those activities;

16. Also requests the Secretary-General, in the light of the efforts currently under way within the Secretariat to carry out a comprehensive review of the human rights information programme and of any views expressed during the World Conference on Human Rights, to further consider the recommendation of the fourth meeting of persons chairing the human rights treaty bodies that an expert group from outside the Secretariat be appointed to review the existing information programme of the Centre for Human Rights (see A/47/628, annex);

17. Further requests the Secretary-General to submit to the Commission, at its fiftieth session, a report on public information activities, with special emphasis on the activities of the World Public Information Campaign for Human Rights, including information on expenditures incurred in 1993 and those envisaged for future activities, as well as an assessment of the impact of the World Campaign;

18. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/50. Strengthening of the rule of law

The Commission on Human Rights,

Recalling that the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all, without any distinction, is one of the purposes of the United Nations,

Recalling also that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that through national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights, Considering that the rule of law contributes to the proper maintenance of law and order and the legal development of social relations and provides a means of ensuring that the State does not exercise its powers in an arbitrary way,

Considering also that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Mindful of the significant role played by different national institutions in ensuring respect for and observance of human rights and fundamental freedoms, as stressed in many of its previous resolutions, most recently in resolution 1992/54 of 3 March 1992,

Bearing in mind the various resolutions adopted on the programme of advisory services in the field of human rights, most recently its resolution 1992/80 of 5 March 1992, and the need to strengthen that programme and to make it more effective,

Recognizing that, particularly in developing countries which are fully committed to human rights and may face difficulties in this area, the United Nations system should contribute with technical, material and financial resources to assist those Governments that so request to develop and strengthen the rule of law with a view to ensuring respect for human rights and fundamental freedoms,

Recognizing the need for the United Nations to equip itself with the mechanisms required for making a more positive and significant contribution to strengthening the rule of law in countries engaged in such efforts,

Noting that the objectives of the World Conference on Human Rights, as set forth in General Assembly resolution 45/155 of 18 December 1990, include the identification of obstacles to further progress in the field of human rights, and ways and means by which they can be overcome, as well as the examination of the relationship between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, and noting also that, in that context, the question of the strengthening of the rule of law merits particular attention,

Noting also the approval by the General Assembly in its resolution 47/122 of 18 December 1992 of the provisional agenda for the World Conference,

Taking note of paragraph 28 of the San José Declaration on Human Rights adopted on 22 January 1993 by the Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights (A/CONF.157/LACRM/15-A/CONF.157/PC/58, chap. I),

Considering that the question of the final outcome of the World Conference is to be taken up by the Preparatory Committee at its fourth session, to be held at Geneva from 19 to 30 April 1993, Recalling its resolution 1992/51 of 3 March 1992,

1. Reiterates the need to consider ways and means by which the United Nations system can make a more positive and significant contribution to the development and strengthening, by Member States, of the rule of law, as an essential factor in the promotion and protection of human rights and fundamental freedoms, inter alia through the establishment of mechanisms that can contribute with substantial technical and financial assistance to operational human rights-related projects in areas such as law enforcement, the administration of justice and others;

2. Requests the Secretary-General of the World Conference on Human Rights to bring the present resolution to the attention of the Preparatory Committee at its fourth session;

3. Decides to consider the question at its fiftieth session under the agenda sub-item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/51. Regional arrangements for the promotion and protection of human rights

The Commission on Human Rights,

Recalling General Assembly resolution 32/127 of 16 December 1977 and all subsequent resolutions concerning regional arrangements for the promotion and protection of human rights, in particular Assembly resolution 47/125 of 18 December 1992,

Recalling its resolution 1992/52 of 3 March 1992, in which it requested the Secretary-General to submit to the Commission at its forty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the result of action taken in pursuance of the resolution,

Recalling its relevant resolutions concerning advisory services in the field of human rights, including the most recent, resolution 1992/80 of 5 March 1992,

Recalling also its resolutions 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991 and 1992/40 of 28 February 1992 concerning regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights (E/CN.4/1993/32),

Noting with satisfaction the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Reaffirming that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field among the regions, within the United Nations system, may be improved,

Bearing in mind that regional instruments should complement the universally accepted human rights standards and that certain inconsistencies between provisions of regional instruments and those of international instruments might raise difficulties with regard to their implementation,

1. Takes note of the report of the Secretary-General;

2. Notes with interest that various contacts between regional bodies and commissions and the United Nations have continued to be pursued and strengthened through advisory services and technical assistance activities, with a view to the exchange of information and experience in the field of human rights;

3. Welcomes, therefore, the continuing cooperation and assistance of the Centre for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, particularly in the field of advisory services and technical assistance, public information and education, with a view to exchanging any information and experience in the field of human rights;

4. Also welcomes in that respect the close cooperation given by the Centre for Human Rights in the organization of regional and subregional training courses or workshops in the field of human rights aimed at creating greater understanding of issues relating to the promotion and protection of human rights in the regions and at improving procedures and examining various systems for the promotion and protection of the universally accepted human rights standards;

5. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

6. Welcomes in this regard the continued cooperation of the Centre for Human Rights with the Executive Secretary of the Economic and Social

Commission for Asia and the Pacific for the establishment of a depositary centre for United Nations human rights materials within that Commission at Bangkok;

7. Endorses the efforts of the Centre for Human Rights to enhance cooperation between the United Nations and regional and national institutions, particularly in the field of advisory services and technical assistance, public information and education in the field of human rights;

8. Stresses the importance of the programme of advisory services in the field of human rights and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information and/or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies;

9. Encourages States parties to the major international human rights instruments to disseminate these in appropriate languages, as widely as possible, and recognizes in this context the valuable role that local non-governmental organizations may play in ensuring awareness of the standards to which Governments have subscribed at the international level;

10. Requests the Secretary-General, as foreseen in the medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights, and welcomes, in this connection, the fact that the Centre for Human Rights will continue to organize national, regional and subregional workshops and training courses for government officials engaged in the administration of justice and in the implementation of the international human rights instruments and that more countries in all regions of the world are expected to develop forms of cooperation and assistance with the Centre for Human Rights, in keeping with their specific needs;

11. Invites the organizers of regional meetings convened in preparation for the World Conference on Human Rights to promote further ratification of and accession to United Nations human rights treaties and the implementation of universally accepted human rights standards;

12. Welcomes the recommendation of the persons chairing or representing the United Nations human rights treaty bodies concerning a possible meeting, during the World Conference on Human Rights, of the persons chairing or representing the United Nations human rights treaty bodies and those chairing or representing each of the principal regional organizations and institutions in the field of human rights, and requests the Preparatory Committee of the World Conference on Human Rights to consider the holding of such a meeting;

13. Invites the treaty bodies of the major international human rights instruments to explore ways to increase the exchange of information and cooperation with regional human rights mechanisms;

14. *Stresses* the importance of continuing to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations;

15. *Requests* the Secretary-General to submit to the Commission, at its fifty-first session, a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on the ways and means of strengthening the cooperation between the United Nations and regional arrangements in the field of human rights and to include in his report the results of action taken in pursuance of the present resolution;

16. *Decides* to consider the question further at its fifty-first session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/52. *Strengthening of the Centre for Human Rights*

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions as well as its own resolutions on this question,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and an issue of the utmost importance for the Organization,

Acknowledging the increasing attention given to the activities undertaken by the United Nations system in the field of human rights,

Recalling that the Secretary-General, in his report on the work of the Organization for 1992 (A/47/1), stated, *inter alia*, that the "Charter of the United Nations places the promotion of human rights as one of our priority objectives, along with promoting development and preserving international peace and security", an approach which he was also applying in his proposals for the biennium 1994-1995,

Emphasizing the important role of the Centre for Human Rights as a coordinating unit within the United Nations system in the promotion, protection and implementation of human rights and the need to provide it with sufficient human and financial resources, particularly in view of the fact that its workload has dramatically increased while resources have failed to keep pace with the expansion of its responsibilities, Recalling also that the Commission, in paragraph 30 of its report (E/CN.4/1988/85 and Corr.1) to the Special Commission of the Economic and Social Council, reaffirmed that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution", and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

Welcoming the fact that the World Conference on Human Rights is to make recommendations securing the necessary financial and other resources for United Nations activities in the field of human rights,

Noting with appreciation the measures taken by the Assistant Secretary-General for Human Rights aimed at improving the administration and management of the Centre for Human Rights,

Noting also that without additional resources commensurate to the additional mandates, measures for the improvement of the functioning and efficiency of the Centre for Human Rights cannot be effective,

1. Requests the Secretary-General to enhance the role and importance of the Centre for Human Rights as a coordinating unit within the United Nations system with respect to human rights;

2. Welcomes the efforts of the Assistant Secretary-General for Human Rights and encourages him to continue to implement measures to improve the efficiency and effectiveness of the Centre for Human Rights;

3. Requests the Secretary-General to ensure that sufficient resources are accorded to the Centre for Human Rights to enable it to undertake all its functions, in full and on time;

4. Also requests the Secretary-General and the competent United Nations bodies to implement, as appropriate and as a matter of urgency, the relevant recommendations which the World Conference on Human Rights makes with regard to securing the necessary financial and other resources for the strengthening of the Centre for Human Rights;

5. Decides to consider the question again at its fiftieth session.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/53. Protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling General Assembly resolutions 45/187 of 21 December 1990 and 46/203 of 20 December 1991, Economic and Social Council resolution 1990/86 of 27 July 1990, World Health Assembly resolutions WHA41.24 of 13 May 1988 and WHA43.10 of 16 May 1990 on women, children and AIDS, general recommendation 15 of the Committee on the Elimination of Discrimination against Women and other relevant resolutions and decisions adopted by organizations of the United Nations system as well as by other competent forums,

Recalling its resolution 1990/65 of 7 March 1990, in which it endorsed the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Luis Varela Quirós to undertake a study on problems and causes of discrimination against people infected with the human immunodeficiency virus (HIV) or people with acquired immunodeficiency syndrome (AIDS), and its resolution 1992/56 of 3 March 1992 concerning discrimination against people with HIV infection or AIDS,

Acknowledging the significant role of the World Health Organization, within the framework of the global strategy for the prevention and control of AIDS, in combating discrimination against HIV-infected persons, including people with AIDS,

Taking note of the results of the International Consultation on AIDS and Human Rights organized by the Centre for Human Rights in cooperation with the World Health Organization at Geneva in July 1989, as well as those of other relevant consultations, conferences and meetings on this subject,

Recognizing the major contribution made by national and international non-governmental organizations, in particular organizations of people with HIV or AIDS and the International Federation of Red Cross and Red Crescent Societies, in fighting discrimination against and advocating the rights of people living with HIV and AIDS,

Taking note of the Rights and Humanity Declaration and Charter on HIV and AIDS (see E/CN.4/1992/82),

Recognizing that the challenges presented by HIV and AIDS require renewed efforts to ensure universal respect for, and observance of, human rights and fundamental freedoms for all,

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection, Alarmed at discriminatory laws and policies and the emergence of new forms of discriminatory practices which deny people with HIV infection or AIDS, their families and associates enjoyment of their fundamental rights and freedoms,

Recognizing that antidiscrimination measures form a component part of an effective public health strategy,

Stressing that discrimination and stigmatization are counter-productive to AIDS control measures,

Emphasizing the need for Governments, in a spirit of human solidarity and tolerance, to counter social stigmatization and discrimination against those affected by HIV and AIDS, their families and those with whom they live, and people considered to be at risk of infection,

1. Calls upon all States to ensure that their laws, policies and practices introduced in the context of AIDS respect human rights standards;

2. Also calls upon all States to take all the necessary steps to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV or AIDS, their families and those in any way associated with them and people presumed to be at risk of infection, with particular attention to women, children and other vulnerable groups, in order to prevent discriminatory action against them or their social stigmatization and to ensure their access to the necessary care and support;

3. Urges all States to include in their AIDS programmes measures to combat social stigmatization and discrimination and to take the necessary steps to develop the supportive social environment necessary for effective AIDS prevention and care;

4. Invites the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and other similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments regarding the rights of people infected with HIV or AIDS, their families and people with whom they live, or people presumed to be at risk of infection;

5. Welcomes the preliminary report (E/CN.4/Sub.2/1990/9) and the progress reports (E/CN.4/Sub.2/1991/10 and E/CN.4/Sub.2/1992/10) of Mr. Luis Varela Quirós, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on discrimination against HIV-infected people or people with AIDS;

6. Endorses the requests addressed by the Sub-Commission, in its decision 1992/108 of 27 August 1992, to Mr. Varela Quirós to submit his final

report to the Sub-Commission at its forty-fifth session, and to the Secretary-General to give the Special Rapporteur such assistance as he may require to accomplish his work;

7. Decides to consider the final report of Mr. Varela Quirós at its fiftieth session.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/54. Civil defence forces

The Commission on Human Rights,

Considering the report of the Secretary-General on civil defence forces submitted pursuant to Commission on Human Rights resolution 1992/57 of 3 March 1992 (E/CN.4/1993/34),

Taking note with interest of the observations on the matter of civil defence forces not belonging to the regular law enforcement agencies, in relation to the protection of human rights and fundamental freedoms, contained in the reports of the Working Group on Enforced or Involuntary Disappearances,

Noting that the formation of civil defence forces appears to be on the rise worldwide, particularly in areas of conflict,

Recognizing, however, that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

Also recognizing that under exceptional circumstances, when public forces, owing to the exigencies of the situation, are unable to act, there may be a need for the establishment of civil defence forces to protect the civilian population,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Realizing that the individual has a responsibility to strive for the promotion and observance of the rights recognized in the International Covenant on Civil and Political Rights as well as in the International Covenant on Economic, Social and Cultural Rights,

Being aware of the necessity for further examination of the question of civil defence forces by specialized bodies,

1. Expresses its appreciation to the Governments and intergovernmental and non-governmental organizations that have provided information on domestic

law and practice relating to civil defence forces or comments concerning their relation to the protection of human rights and fundamental freedoms, pursuant to Commission on Human Rights resolution 1992/57;

2. Requests the Secretary-General to prepare, within the existing resources, and to submit to the Commission on Human Rights at its fiftieth session a report containing a summary of any additional information and comments received concerning civil defence forces and their relation to the protection of human rights and fundamental freedoms;

3. Invites the special rapporteurs and working groups concerned to continue to pay due attention within their mandates to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/55. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably its resolutions 1990/73 of 7 March 1990, 1991/27 of 5 March 1991 and 1992/54 of 3 March 1992, and General Assembly resolutions 44/64 of 8 December 1989 and 46/124 of 17 December 1991,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards,

Convinced of the important role that can be played by institutions at the national level in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play a catalytic role in assisting the development of national institutions,

Mindful in this regard of the guidelines on the structure and functioning of national institutions for the promotion and protection of human rights endorsed by the General Assembly in its resolution 33/46 of 14 December 1978, Recalling the recommendations contained in General Assembly resolution 45/155 of 18 December 1990 and Commission on Human Rights resolution 1991/30 of 5 March 1991 inviting the Preparatory Committee for the World Conference on Human Rights to examine ways and means by which the World Conference could encourage the establishment or strengthening of national institutions,

Taking note with satisfaction of the report of the International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris from 7 to 9 October 1991 (E/CN.4/1992/43 and Add.1 and 2),

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions expressed during the Regional Meeting for Africa of the World Conference on Human Rights, held at Tunis from 2 to 6 November 1992, the Regional Meeting for Latin America and the Caribbean of the World Conference on Human Rights, held at San José from 18 to 22 January 1993, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992 and the Workshop for the Asia-Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and manifested in the decisions announced recently by several Member States to establish national institutions for the promotion and protection of human rights,

Welcoming the fact that the Economic and Social Council, in its decision 1992/233 of 20 July 1992, decided to transmit to the General Assembly for adoption the recommendations contained in the report of the International Workshop, which are entitled "Principles relating to the status of national institutions" and contained in the annex to Commission resolution 1992/54,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

1. Reaffirms the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

2. Takes note of progress in this area and in particular of the increased effectiveness of national institutions for the promotion and protection of human rights, as well as of the efforts of the Centre for Human Rights to increase cooperation with regional and national institutions;

3. Encourages all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions;

4. *Encourages* initiatives on the part of Governments and regional, international, intergovernmental and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they do not exist;

5. *Requests* the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

6. *Requests* the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance and of information and education, including within the framework of the World Public Information Campaign for Human Rights;

7. *Emphasizes* in this regard the need to disseminate the "Principles relating to the status of national institutions" as widely as possible and to utilize them fully;

8. *Affirms* the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

9. *Recognizes* the important and constructive role that non-governmental organizations can play in cooperation with national institutions for the better promotion and protection of human rights;

10. *Takes note* with appreciation of the report of the Secretary-General (E/CN.4/1993/33);

11. *Welcomes* the holding of a meeting of national institutions within the framework of the World Conference on Human Rights and also welcomes the fact that representatives of national institutions have been invited to participate as observers in the World Conference and associated meetings;

12. *Requests* the Secretary-General to finance attendance by representatives of national institutions from developing countries at the World Conference from the voluntary fund for the World Conference and invites Governments and intergovernmental and non-governmental organizations to contribute to the voluntary fund for this purpose;

13. *Also requests* the Secretary-General to bring the present resolution to the attention of the Preparatory Committee for the World Conference on Human Rights at its fourth session;

14. *Further requests* the Secretary-General to prepare a report for the World Conference on possible means of assisting the establishment and strengthening of national institutions through international cooperation;

15. Requests the Preparatory Committee to further consider ways of promoting the Principles relating to the status of national institutions and to bear in mind the report of the International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Paris in 1991 (E/CN.4/1992/43 and Add.1 and 2);

16. Requests the Secretary-General to continue organizing in 1993, following the World Conference, the international workshop referred to in his report, to include in the agenda of the workshop the issues of promoting the establishment of national institutions and strengthening existing national institutions through international cooperation, and to take into account the results of the meeting of representatives of national institutions within the framework of the World Conference;

17. Also requests the Secretary-General to give consideration to the results of the International Workshop held in Paris in 1991 as well as the results of other international meetings which build upon the Principles relating to the status of national institutions in the preparation of a manual on national institutions;

18. Encourages Member States and competent bodies to give appropriate attention to national institutions for the promotion and protection of human rights in the context of their preparations for the World Conference;

19. Decides to continue its consideration of the question at its fiftieth session, and in particular ways to study and promote the Principles relating to the status of national institutions.

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/56. Education and human rights

The Commission on Human Rights,

Bearing in mind that the international community has repeatedly recognized the importance of education as one of the fundamental rights of the human being,

Recalling that article 26 of the Universal Declaration of Human Rights reflects the consensus of peoples concerning the aims of education, which "shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace",

Aware that the lofty aims stated in the aforementioned article are reflected in the provisions of the majority of the international conventions that promote and protect economic, social and cultural rights, such as article 13 of the International Covenant on Economic, Social and Cultural Rights, and that article 29 of the Convention on the Rights of the Child provides that education shall be directed to the development of the child's personality, respect for human rights and cultural identity, and the preparation of the child for responsible life in a free society,

Taking into account the fact that the international community, inspired by these principles and realizing the urgent need to promote education, has established international and regional bodies for this purpose, such as the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund,

Convinced that the promotion of literacy worldwide can contribute to a better understanding of and respect for human rights,

Considering that significant efforts are being made by States and intergovernmental and non-governmental organizations to develop human rights education programmes,

Bearing in mind that these human rights education programmes have served to create a keen awareness, in the various regions of the world, of the high priority of the educational process and its importance for the promotion, dissemination and knowledge of human rights,

Taking into account the fact that human rights education is a universal priority in that it contributes to a concept of development consistent with the dignity of the human person, which must include consideration of the diversity of groups such as children, women, indigenous persons, racial minorities, the disabled and others,

Bearing in mind that knowledge of fundamental rights and mechanisms for their protection will permit the strengthening and consolidation of democratic processes,

Aware that human rights education involves more than merely providing information to the recipients and, rather, constitutes a comprehensive process depending essentially on respect for the human person, human dignity and the fostering of attitudes conducive to coexistence, justice and peace,

1. Calls upon States to step up their efforts to eradicate illiteracy and to provide the necessary facilities to ensure that the entire population has access to all-round education as an essential element in its development;

2. Supports the efforts of States that have initiated human rights education processes in the formal system of education, as regards both adjustment of the curriculum and development of teaching methods and resources suited to such programmes;

3. Recognizes the contribution made by intergovernmental and non-governmental organizations to this new human rights education process in the field of formal and non-formal education;

4. Urges all governmental and non-governmental educational agencies to coordinate their efforts so as to give their initiatives greater impact;

5. Calls upon States that have not yet done so to join in efforts to introduce all-round education as a matter of high priority, and to include within it the subject of human rights;

6. Recommends that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in educational policies;

7. Also recommends that, in devising such policies, particular account should be taken of the multi-ethnic character of the various societies and of respect for the identity and needs of groups such as minors, women, indigenous persons, racial minorities, the disabled and others;

8. Urges international agencies for financial and technical cooperation to include support for human rights education programmes as well as programmes for the promotion of literacy and to allocate funds for the realization of these programmes;

9. Recommends that the General Assembly take the appropriate measures to declare a decade for human rights education in the light of the recommendations of the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, being held at Montreal, Canada, from 8 to 11 March 1993;

10. Requests the Secretary-General to submit to the Commission on Human Rights at its fiftieth session a detailed report on action taken in relation to the declaration of a decade for human rights education, for consideration under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/57. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recalling also its resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991 and 1992/40 of 28 February 1992, Taking note of resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Recognizing the valuable contribution that could be made by national institutions in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations may have a valuable role to play in this process,

Taking note with interest of the report of the Workshop for the Asia-Pacific region on Human Rights Issues, held in Jakarta, from 26 to 28 January 1993, particularly the Chairman's concluding remarks,

1. Welcomes the report of the Secretary-General (E/CN.4/1993/31) and the progress achieved in the implementation of Commission on Human Rights resolution 1992/40;

2. Requests the Secretary-General to maintain a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific;

3. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depositary centre of that organization;

4. Encourages once again United Nations development agencies in the Asian and Pacific region to coordinate with the Economic and Social Commission for Asia and the Pacific in their efforts to promote the human rights dimension in their activities;

5. Welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, namely the Seminar on national, local and regional arrangements for the promotion and protection of human rights in the Asian region, held at Colombo from 21 June to 2 July 1982, the Asia-Pacific Workshop on Human Rights, held at Manila from 7 to 11 May 1990, and the Workshop for the Asia-Pacific region on Human Rights Issues, held at Jakarta, from 26 to 28 January 1993, all of which focused on national institutions and regional arrangements for the promotion and protection of human rights;

6. Takes note with particular interest of the decision taken and the preparatory steps being taken towards the establishment of national institutions for the promotion and protection of human rights by the Governments of India, Indonesia, Sri Lanka and Thailand;

7. Welcomes the interest of some Governments in the region in hosting an Asian-Pacific regional meeting in 1993/1994 to follow up the

discussion on the region's consultative mechanism and, in this regard, requests the Secretary-General to facilitate the realization of that activity under the regular budget for advisory services and technical assistance;

8. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights in the region, taking into account the various approaches and mechanisms identified in the Chairman's concluding remarks at the Jakarta workshop;

9. Appeals to all Governments in the Asian and Pacific region to consider making use of the possibility offered by the United Nations to organize, under the programme of advisory services and technical assistance for the promotion and protection of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

10. Requests the Secretary-General to give adequate attention to the countries in the Asian and Pacific region as regards benefiting from all the activities under the programme of advisory services and technical assistance in the field of human rights, particularly in the light of the interest in the region in developing national institutions and regional arrangements for the promotion and protection of human rights;

11. Encourages all States in the Asian and Pacific region to consider ratifying or acceding to the various human rights instruments;

12. Requests the Secretary-General to consult the States in the Asian and Pacific region on the widest possible basis in the implementation of the present resolution;

13. Also requests the Secretary-General to submit to the Commission at its fiftieth session a report incorporating information on the progress achieved in the implementation of the present resolution;

14. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/58. Effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard

The Commission on Human Rights,

Recalling General Assembly resolution 43/115 of 8 December 1988 and its own resolution 1991/20 of 1 March 1991 concerning the effective functioning of bodies established pursuant to United Nations human rights instruments,

Bearing in mind the latest reports of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Group of Three and the Committee on the Rights of the Child, among others,

Recalling its various resolutions in which it created a substantial number of thematic or country special rapporteurs, special representatives, independent experts and ad hoc working groups, all of which are non-treaty mechanisms,

Bearing in mind that, pursuant to Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1 (XXIV) of 13 August 1971, the mechanism was duly established and implemented for dealing with communications relating to allegations of violations of human rights and fundamental freedoms in any country, within the confidential procedure,

Considering that other organizations of the United Nations system, such as the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, have also established various mechanisms for the promotion, protection and full realization of human rights and fundamental freedoms,

Considering also that, in view of the substantial increase in recent years in the number of mechanisms created in this sphere, many countries, particularly developing countries, have to prepare numerous periodic reports and answer a wide range of requests for information on facts or situations said to exist in those countries, requests that cannot be fully met as required or within the requisite time-limits,

Mindful of the need to pay due attention to the possible simplification, rationalization and improvement of the methods of work of all the existing mechanisms and of fostering a broad exchange of views to achieve more effective functioning of these mechanisms,

Recognizing the important role that should be played in this regard by the Centre for Human Rights, in its capacity as the coordinating centre for human rights within the United Nations, _Recalling_ General Assembly resolution 31/130 of 16 December 1977 and its own resolutions 1989/48 and 1989/54 of 7 March 1989, 1991/30 of 5 March 1991, 1991/79 of 6 March 1991, 1992/39 of 28 February 1992 and 1992/83 of 6 March 1992,

1. _Expresses its conviction_ that the strengthening of the role of the United Nations system in the promotion, protection and full realization of all human rights, in keeping with the Charter of the United Nations, requires increasingly efficient functioning of all the existing or any future mechanisms, as well as suitable methods of work of the Commission on Human Rights;

2. _Requests_ the Secretary-General to submit to the Commission, at its fiftieth session, a report on:

(a) The original mandates assigned to the various treaty and non-treaty mechanisms established for the supervision, investigation and monitoring of the implementation of the provisions of international legal instruments and standards in this regard;

(b) The international legal norms and standards on which existing non-treaty mechanisms now base their activities, as well as the conceptual framework, methods of work and procedural rules that each has deemed it advisable to apply in the discharge of its mandate;

(c) The various norms, criteria and practices established by each of the various existing mechanisms in regard to the admissibility of communications, as well as the preliminary consideration and evaluation of communications, their referral to the interested parties and the subsequent course followed in connection with them;

(d) The criteria used in practice by the Centre for Human Rights to channel communications received on these issues either to existing public machinery or to bodies provided for in the confidential procedure established under Economic and Social Council resolution 1503 (XLVIII), together with the legal foundation for such criteria;

3. _Also requests_ the Secretary-General to make the report available to the World Conference on Human Rights for consideration under item 12 (c) of its agenda;

4. _Decides_ to discuss the report at its fiftieth session, under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted by a roll-call vote of 33 to 16
with 3 abstentions. See chap. XI.]

1993/59. Strengthening of United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity

The Commission on Human Rights,

Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms are legitimate concerns of the world community,

Bearing in mind that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Bearing in mind also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling that, in accordance with Article 55 of the Charter of the United Nations, the Organization shall promote universal respect for, and observance of, human rights and fundamental freedoms for all, with a view to creating conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and that, in accordance with Article 56, all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55,

Desirous of further strengthening international cooperation in the field of promoting and encouraging respect for all human rights and fundamental freedoms,

Deeply convinced that such cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Convinced that, in order to be fully effective in the field of human rights, this cooperation should in addition be based on a deep understanding of the wide variety of problems existing in all societies and on full respect for the political, economic and social realities of each of them, in strict conformity with the purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Bearing in mind the important contribution that accurate, impartial and objective information can make to achieving such understanding and full respect, Recalling General Assembly resolutions 32/130 of 16 December 1977, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

Bearing in mind General Assembly resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981,

Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends,

Underlining the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms and the duty that all Governments have to carry out the obligations they have undertaken under international law, especially the Charter of the United Nations, as well as various international instruments in the field of human rights, and to respect and enforce, in good faith, their domestic legislation in conformity with those instruments,

Affirming the importance of the objectivity, independence and discretion of thematic and country special rapporteurs, as well as members of the working groups and bodies established in compliance with United Nations human rights instruments, in carrying out their mandates,

Considering General Assembly resolution 47/122 of 18 December 1992 and the annex thereto,

Bearing in mind its resolutions 1991/79 of 6 March 1991 and 1992/39 of 28 February 1992,

Reaffirming General Assembly resolutions 45/163 of 18 December 1990, 46/129 of 17 December 1991 and 47/131 of 18 December 1992,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples, all peoples have the right to determine freely, without external interference, their political system and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter of the United Nations, including respect for territorial integrity;

2. Reaffirms that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote, encourage respect for and achieve the full realization of all human rights and fundamental freedoms and to remain vigilant with regard to any violations of human rights wherever they occur;

3. Also reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

4. Expresses its conviction that an impartial and fair approach to human rights contributes to the promotion of international cooperation and to the promotion, protection and effective realization of human rights and fundamental freedoms;

5. Calls upon all Member States to base their activities for the promotion, protection and full realization of all human rights and fundamental freedoms, including the development of further international cooperation in this field, on the Charter of the United Nations, the International Covenants on Human Rights and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework;

6. Invites Member States, as appropriate, to consider adopting, within the framework of their respective legal systems and in accordance with their obligations under international law, particularly the Charter of the United Nations, and the international human rights instruments, measures which they deem suitable for furthering international cooperation for the promotion and development of respect for human rights and fundamental freedoms;

7. Reaffirms that such cooperation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion and full realization of all human rights and fundamental freedoms and to the strengthening of international peace and security;

8. Underlines, in this context, the continuing need for accurate, impartial and objective information on the political, economic and social situation and events in all countries;

9. Requests all human rights bodies within the United Nations system, as well as special rapporteurs, special representatives, independent experts and working groups appointed or established as special procedures, duly to take into account the contents of the present resolution in carrying out their respective mandates;

10. Recognizes the valuable role that non-governmental organizations can play in the field of human rights;

11. Takes note of the report of the Secretary-General (E/CN.4/1993/30);

12. Also takes note of the fact that the World Conference on Human Rights will make recommendations to ensure universality, objectivity and non-selectivity in the consideration of questions relating to human rights;

13. Requests the Secretary-General to continue gathering information and comments from all Member States on the basis of the present resolution, for their timely transmission to the World Conference, so that they may be considered in adopting relevant proposals, including various ways and means of strengthening United Nations action in this regard;

14. Also requests the Secretary-General, on the basis of the comments made by Governments, to prepare and submit to the Commission on Human Rights,

at its fiftieth session, a comprehensive report on various ways and means of promoting international cooperation and strengthening United Nations action in the field of human rights in accordance with the principles of non-selectivity, impartiality and objectivity;

15. Decides to continue its consideration of this question at its fiftieth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

63rd meeting
9 March 1993
[Adopted without a vote. See chap. XI.]

1993/60. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 47/142 of 18 December 1992 on the situation in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, *inter alia*, the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, and at its forty-ninth session by the Special Rapporteur on the question of religious intolerance,

Noting the announcement by the Government of the Sudan of its intention to constitute an independent judicial inquiry commission to investigate the killings of Sudanese employees of foreign relief organizations,

Noting also the widespread conditions of armed conflict existing within the Sudan,

Deeply concerned that access by the civilian population to humanitarian assistance has been impeded, but welcoming the recent dialogue between the Government of the Sudan, donor Governments and international non-governmental organizations regarding delivery of humanitarian aid,

Alarmed by the mass exodus of refugees into neighbouring countries and the large number of internally displaced persons and victims of discrimination in the Sudan, including members of minorities who have been forcibly displaced in violation of their human rights, *Emphasizing* that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan,

1. *Expresses its deep concern* at the serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture;

2. *Urges* the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

3. *Requests* the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as special rapporteur on the situation of human rights in the Sudan;

4. *Requests* the Special Rapporteur to establish direct contact with the Government and with the people of the Sudan and to investigate and report to the Commission at its fiftieth session on the situation of human rights in the Sudan, including any progress made there towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

5. *Also requests* the Special Rapporteur to seek and receive credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these matters;

6. *Calls upon* the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the discharge of his mandate and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan whom he wishes to meet;

7. *Requests* the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

8. *Calls upon* the Government of the Sudan to comply with applicable international human rights instruments, in particular the International Covenants on Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination, to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

9. *Calls upon* all parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including in particular common article 3 of the Geneva Conventions of 12 August 1949 for the protection of war victims, to halt the use of weapons against the civilian population and to protect all civilians from violations, including forcible displacement, arbitrary dentention, ill-treatment, torture and summary execution;

10. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

11. Calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

12. Calls upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the initiatives of the Department of Humanitarian Affairs of the Secretariat to deliver assistance to all persons in need;

13. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its forty-eighth session and to the Commission on Human Rights at its fiftieth session;

14. Decides to consider the situation of human rights in the Sudan at its fiftieth session under the same agenda item.

65th meeting
10 March 1993
[Adopted by a roll-call vote of 35 to 9,
with 8 abstentions. See chap. XII.]

1993/61. Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1),

Concerned about the seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings, arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the administration of justice, which is unable to function independently, and forced population displacements,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups,

Stressing also the need to put an end to the impunity of persons responsible for human rights violations,

Concerned about the serious obstacles which have stood in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and incommunicado detention, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

2. Notes with indignation that force is used systematically to prevent and suppress peaceful gatherings and demonstrations;

3. Expresses its concern about the deterioration of the situation in Shaba, where the authorities bear primary responsibility for fresh outbreaks of ethnic tensions and for the forced displacement of twenty thousand persons;

4. Also expresses its concern about discriminatory measures affecting persons belonging to minority groups;

5. Recommends that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Zairian authorities;

(b) To report to the Commission, at its fiftieth session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

7. Decides to consider the question again at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/62. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Recalling its relevant resolutions, including the most recent, resolution 1992/67 of 4 March 1992, as well as those of the General Assembly, including the most recent, resolution 47/146 of 18 December 1992, and those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1992/15 of 27 August 1992,

Noting that the Government of the Islamic Republic of Iran has responded to the Special Representative's request for information concerning allegations of human rights violations in that country but for more than a year has not permitted the Special Representative to visit the country,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Recalling that in its resolution 1992/67 it requested the Special Representative to submit a final report on the human rights situation in the Islamic Republic of Iran to the Commission at its forty-ninth session,

Noting the Special Representative's assessment of the performance of the Islamic Republic of Iran regarding his various recommendations and his view that during 1992 there was no appreciable progress in the Islamic Republic of Iran towards improved compliance with human rights standards in conformity with international instruments (see E/CN.4/1993/41),

Noting that the Sub-Commission, in its resolution 1992/15, condemned the continuing grave violations of human rights in the Islamic Republic of Iran,

1. Takes note with appreciation of the final report of the Special Representative of the Commission and the observations contained therein;

2. Expresses its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative with regard to the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the lack of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious beliefs, notably the Baha'is, and restrictions on the freedom of expression, thought, opinion and the press, and that, as noted by the Special Representative, the situation of women leaves much to be desired;

4. Expresses its grave concern at the fact that, contrary to the Special Representative's recommendation, the application of the death penalty has not diminished but has increased;

5. Also expresses its grave concern that there are continuing threats to the life of a citizen of another State which appear to have the support of the Government of the Islamic Republic of Iran and whose case is mentioned in the report of the Special Representative;

6. Regrets that the Government of the Islamic Republic of Iran has not granted the request of the Special Representative to visit the country for more than a year;

7. Expresses its regret that, as the Special Representative concluded, the Islamic Republic of Iran has not given adequate follow-up to many of the recommendations contained in the previous reports;

8. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular as regards the administration of justice and due process of law;

9. Also calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

10. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

11. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

12. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative;

13. Requests the Special Representative to submit an interim report to the General Assembly at its forty-eighth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fiftieth session;

14. Requests the Secretary-General to give all necessary assistance to the Special Representative;

15. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, as a matter of priority, at its fiftieth session.

65th meeting
10 March 1993
[Adopted by a roll-call vote of 23 to 11,
with 14 abstentions. See chap. XII.]

1993/63. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1992/61 of 3 March 1992 regarding, inter alia, the appointment of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 47/139 of 18 December 1992 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Secretary-General and of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, Noting with deep regret the failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Deeply concerned at arbitrary arrests, beatings, imprisonment, harassment and governmentally organized mob attacks on human rights defenders and others who are engaged in the peaceful exercise of their rights, and noting with particular concern that Cuba increased its repression against leaders of several human rights groups in Cuba on United Nations Human Rights Day, 10 December 1992,

Profoundly concerned at continued violations in Cuba of fundamental human rights and individual liberties enumerated in the Universal Declaration of Human Rights, such as the freedoms of movement, thought, religion and conscience, opinion and expression, assembly and association, and rights associated with the administration of justice,

Having considered the report on the situation of human rights in Cuba submitted by the Special Rapporteur (E/CN.4/1993/39),

1. Commends and endorses the report of the Special Rapporteur;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Regrets profoundly the numerous unanswered reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at mounting intolerance for freedom of speech and assembly in Cuba;

5. Calls upon the Government of Cuba to carry out the seven measures recommended in the report of the Special Rapporteur to bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards in accordance with international law and applicable human rights instruments and to end all violations of human rights, including in particular the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights;

6. Affirms and extends the mandate of the Special Rapporteur for one year;

7. Requests the Special Rapporteur to maintain direct contact with the Government and citizens of Cuba as specified in past resolutions of the Commission;

8. Recommends that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, in the discharge of their mandates, continue to give attention to the situation in Cuba and, if appropriate, consider visiting Cuba;

9. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission mentioned in the present resolution to cooperate fully and exchange their information and findings on the situation of human rights in Cuba;

10. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

11. Requests the Special Rapporteur to carry out his mandate bearing in mind, inter alia, the Universal Declaration of Human Rights, to submit an interim report to the General Assembly at its forty-eighth session and to report to the Commission at its fiftieth session on the results of his endeavours pursuant to the present resolution.

65th meeting
10 March 1993
[Adopted by a roll-call vote of 27 to 10, with 15 abstentions. See chap. XII.]

1993/64. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991 and 1992/59 of 3 March 1992 and taking note of the note by the Secretary-General on this question (E/CN.4/1993/38),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies as well as treaty bodies monitoring the observance of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fiftieth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 of the present resolution;

7. Decides to consider the question again at its fiftieth session.

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/65. Situation of human rights in Albania

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, *Recalling* that the human rights situation in Albania has been under consideration by the Commission on Human Rights since 1984 under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Bearing in mind that, in its resolution 1988/17 of 2 March 1988, the Commission, acting under paragraph 8 of Council resolution 1503 (XLVIII), decided to discontinue consideration of the human rights situation in Albania under the confidential procedure and to take up consideration of the matter under the public procedure provided for in Council resolution 1235 (XLII) of 6 June 1967,

Recalling its resolutions 1989/69 of 8 March 1989, 1990/49 of 6 March 1990, 1991/76 of 6 March 1991 and 1992/69 of 4 March 1992,

Taking note of the report of the Secretary-General (E/CN.4/1993/43) submitted pursuant to Commission resolution 1992/69,

Welcoming the positive steps being taken by the Government of Albania to guarantee and promote the observance of human rights in Albania,

Welcoming also the willingness of the Government of Albania to cooperate with the Commission on Human Rights and the Centre for Human Rights,

1. *Calls upon* the Government of Albania to continue to adopt legislative and administrative measures to meet all the requirements under the International Bill of Human Rights and other relevant international instruments, by which freedom, democracy and the rule of law will be further consolidated and the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, will be effectively promoted and guaranteed;

2. *Encourages* technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other, on the basis of the Agreement concluded on 13 February 1992;

3. *Requests* the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite the Government to provide information regarding its implementation;

(b) To report to the Commission at its fiftieth session on the implementation of the present resolution;

4. Decides to continue its consideration of the human rights situation in Albania at its fiftieth session under the agenda item "Advisory services in the field of human rights".

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/66. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions, as well as resolution 47/141 of 18 December 1992 and all other relevant resolutions of the General Assembly and the relevant decisions of the Economic and Social Council,

Bearing in mind, in particular, its resolution 1992/68 of 4 March 1992, by which it decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session, and Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council approved the Commission's decision,

Noting that, following the demise of the former Afghan Government, a Transitional Islamic State of Afghanistan was established,

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country as regards the political and legal order is affecting the security of members of ethnic and religious minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the right to life, to liberty and security of person and to freedom of opinion, expression and association,

Concerned at reports of detainees who are being held for political reasons by rival groups, among whom are several members of the former Government who are allegedly being held in inhumane conditions,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Welcoming the return of over one and a half million refugees to Afghanistan since April 1992, and expressing the hope that conditions in Afghanistan will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1993/42) and of the conclusions and recommendations contained therein,

Noting that due to security considerations the Special Rapporteur has been unable to visit Kabul for the second consecutive time,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular, to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes the meeting of the parties to the conflict held recently in Islamabad with the support of some neighbouring and interested Governments in order to promote peace and reconciliation in Afghanistan;

5. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all Afghan parties to respect human rights;

6. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

7. Calls upon all States and parties concerned to make all efforts for the realization of General Assembly decision 47/428 of 16 December 1992, entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended;

8. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups;

9. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply

amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d), 5, 6 and 7 of the International Covenant on Civil and Political Rights;

10. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

11. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

12. Also urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

13. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

14. Urges the authorities in Afghanistan to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

15. Decides to extend the mandate of the Special Rapporteur for one year, and requests him to report on the situation of human rights in Afghanistan to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session;

16. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

17. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority, under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/67. Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned at the ongoing practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law pertaining to the protection of human rights, and particularly the Universal Declaration of Human Rights, in addition to their flagrant violation of the relevant provisions of international humanitarian law as set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and The Hague Convention IV of 1907,

Deeply regretting Israel's failure to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Deeply disturbed at Israel's deportation of 415 Palestinians to the occupied territory of southern Lebanon, which constitutes a further violation of Lebanese sovereignty, and at Israel's refusal to implement Security Council resolution 799 (1992) of 18 December 1992 demanding the immediate return home of the Palestinian deportees,

Affirming Israel's full responsibility for the Palestinian deportees,

Reaffirming that the continued occupation and the practices of the Israeli forces constitute violations of the relevant Security Council resolutions, of the will of the international community and of the conventions in force in this regard,

Hoping for a continuation of the peace negotiations with a view to a settlement of the conflict in the Middle East through the achievement of a just, comprehensive and lasting peace in the region, and affirming that Israel's continued violations of human rights are hampering the steps and efforts that are being undertaken to achieve peace in the Middle East,

Gravely concerned at the fact that the International Committee of the Red Cross and other humanitarian organizations are being prevented from fulfilling their humanitarian tasks in the occupied territory of southern Lebanon, and in particular from investigating the reports received concerning ill-treatment of detainees at the Khiyam and Marjayoun detention centres, Reaffirming its resolution 1992/70 of 4 March 1992, and expressing its deep regret at Israel's failure to implement that resolution,

1. Condemns the ongoing Israeli violations of human rights in southern Lebanon consisting, in particular, in the arbitrary detention of civilians, the demolition of their homes, the confiscation of their property, their expulsion from the occupied territory, the bombardment of civilian villages and areas, and other practices which violate human rights;

2. Demands that Israel put an immediate end to those practices and implement Security Council resolutions 425 (1978) and 509 (1982) calling for Israel's immediate, full and unconditional withdrawal from all Lebanese territory and respect for Lebanon's sovereignty, independence and territorial integrity;

3. Also demands that Israel put an immediate end to the policy of forced deportation and implement Security Council resolution 799 (1992);

4. Further demands that the Government of Israel, as the occupying Power in southern Lebanon, comply with the Geneva Conventions of 12 August 1949, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

5. Demands that the Government of Israel, as the occupying Power in southern Lebanon, facilitate the humanitarian task of the International Committee of the Red Cross and other humanitarian organizations in this region and, in particular, permit those organizations to visit the detention centres at Khiyam and Marjayoun and examine the situation of the persons detained there;

6. Requests the Secretary-General:

(a) To inform the Government of Israel of the present resolution and call upon it to provide information concerning the extent of its compliance therewith;

(b) To report to the General Assembly at its forty-eighth session and to the Commission on Human Rights at its fiftieth session on the results of his endeavours in this regard;

7. Decides to continue the consideration of the question at its fiftieth session.

65th meeting
10 March 1993
[Adopted by 50 votes to 1. See chap. XII.]

1993/68. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have a duty to promote human rights and to fulfil their obligations under the various human rights instruments,

Recalling its resolution 1992/77 of 5 March 1992,

Taking account of the report (E/CN.4/1993/47) of Mr. Marco Tulio Bruni Celli, the Special Rapporteur, appointed by the Chairman of the Commission at its forty-eighth session,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992 and 47/143 of 18 December 1992,

Deeply concerned about the serious events that have occurred in Haiti since 29 September 1991 which have abruptly and violently interrupted the democratic process in that country, entailing the loss of human lives and the violation of human rights,

Concerned at the mass exodus of Haitian nationals fleeing the country because of the deterioration in the political and economic situation since 29 September 1991,

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary executions, forced disappearances, reports of torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Welcoming the recent dispatch of an international civilian observer mission of the United Nations and the Organization of American States to monitor the observance of human rights in Haiti,

Aware that the Commission must continue to keep a close watch on the situation of human rights in Haiti,

1. Expresses its appreciation to the Special Rapporteur for his report on the situation of human rights in Haiti and endorses the recommendations it contains;

2. Strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its deep concern about the substantial deterioration of the human rights situation in Haiti since the *coup d'état* of September 1991

and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

4. Condemns once again the continuing seriousness of the human rights situation in 1992, characterized by murders, disappearances and assassinations, preventive repression, persecution, arbitrary detentions, torture, extortion of protection money from citizens by security agents, abandonment of legislative programmes, re-emergence of the section chiefs, prohibition of demonstrations and police repression of all acts of protest against the de facto regime;

5. Expresses its full support for the international civilian observer mission of the United Nations and the Organization of American States responsible for monitoring the observance of human rights in Haiti, and awaits the outcome of the mission with interest;

6. Draws the attention of the international community to the fate of the Haitian nationals who are fleeing the country, and requests its support for the efforts undertaken to assist them;

7. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for its work in favour of Haitian nationals, and invites Member States to continue giving material and financial support to those efforts;

8. Calls upon States Members of the United Nations and other international organizations to increase their humanitarian assistance to the people of Haiti, to support all efforts to resolve the problems of displaced persons and to encourage the strengthening of institutional coordination among the specialized agencies and between the United Nations and the Organization of American States;

9. Decides to extend for a further year the mandate of the Special Rapporteur, as established in Commission resolution 1992/77;

10. Stresses the importance of establishing the necessary cooperation between the Special Rapporteur of the Commission and the international civilian observer mission of the United Nations and the Organization of American States in order to further the fulfilment of their mandates, and in that connection emphasizes the contribution that the Centre for Human Rights can make;

11. Requests the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-eighth session and a final report to the Commission on Human Rights at its fiftieth session;

12. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the performance of his mandate;

13. Decides to continue its consideration of the situation of human rights in Haiti at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/69. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1992/79 of 5 March 1992,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on the recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

Considering that the 1982 Plan of Action has never been satisfactorily implemented by the Government despite the assistance and the advice given by the Centre for Human Rights,

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee and that its initial reports are overdue,

Mindful that it is essential that all the political tendencies, including the opposition parties, should play an active role,

Pointing out that the reasons given by the refugees for not returning to Equatorial Guinea are the lack of an overall political solution and the fact that a broad-based government with full respect for human rights and fundamental freedoms has not been established,

Taking note of the fact that, even very recently, the authorities have successively arrested and ill-treated political opponents who had returned to their country, availing themselves of the promises given by the President of the Republic himself to facilitate the return of exiles to their country, under a plan of return prepared by the churches of Equatorial Guinea and the exiles, _Taking note_ of the report of the Expert (E/CN.4/1993/48), which indicates that the human rights situation in Equatorial Guinea has continued to deteriorate seriously,

Mindful that it is essential to put an end to the serious deterioration of the human rights situation in Equatorial Guinea,

1. _Commends_ the excellent work done during the past fourteen years by Mr. Fernando Volio Jiménez for the promotion and protection of human rights in Equatorial Guinea;

2. _Expresses its serious concern_ at the persistence of politically motivated violations of human rights, such as arbitrary arrests and the application to political prisoners of torture and other cruel, inhuman and degrading treatment or punishment, and the lack of cooperation with the Expert;

3. _Expresses its concern_ at the fact that, despite having approved it, the Government has never implemented the Plan of Action prepared by the Expert in 1980 and has not yet approved the emergency plan of action prepared by the Expert in 1992 (E/CN.4/1992/51, para. 125);

4. _Deplores_ the situation of women in Equatorial Guinea, as revealed by the report of the Expert;

5. _Calls upon_ the Government of Equatorial Guinea to put an end to the use of military courts for trying ordinary law offences and to permit the establishment of an independent judiciary;

6. _Also calls upon_ the Government of Equatorial Guinea to take all necessary measures to promote harmonious coexistence of the peoples forming the society of Equatorial Guinea;

7. _Further calls upon_ the Government of Equatorial Guinea to free all political prisoners and to take, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments, and providing for the establishment of freedom, democracy and the rule of law, as well as the promotion and effective protection of the human rights and fundamental freedoms of all citizens of Equatorial Guinea;

8. _Encourages_ the Government of Equatorial Guinea to endeavour to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the report of the Expert;

9. _Requests_ its Chairman, following consultations with the Bureau, to appoint an individual of recognized international standing in the field of human rights who is entirely familiar with the situation in Equatorial Guinea as special rapporteur of the Commission, with a mandate to make a thorough study of the violations of human rights by the Government of Equatorial Guinea

on the basis of all the information which he considers relevant, including information furnished by intergovernmental and non-governmental organizations and by private individuals and, in particular, any documentation provided by the Government of Equatorial Guinea;

10. Urges the Government of Equatorial Guinea to propose to the International Committee of the Red Cross the conclusion of an agreement for the purpose of enabling the Committee to make periodic visits to prisons and civil and military detention centres, including cells in which persons are held incommunicado;

11. Also urges the Government of Equatorial Guinea to continue negotiations with the opposition with a view to establishing the bases for the democratic process in Equatorial Guinea;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

13. Requests the Special Rapporteur to report to the Commission at its fiftieth session;

14. Decides to consider the question at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", unless there is a significant improvement in the situation of human rights and fundamental freedoms in Equatorial Guinea.

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/70. Human rights and mass exoduses

The Commission on Human Rights,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Noting that the report of the Secretary-General entitled "An agenda for peace" (A/47/277) identifies the protection of human rights as an important element of peace, security and economic well-being and highlights the importance of preventive diplomacy,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons, _Deeply preoccupied_ by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, by these sudden displacements of population,

Recalling General Assembly resolution 44/164 of 15 December 1989, in which the Assembly reaffirmed its support for the recommendation of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees (A/41/324, annex) that the principal organs of the United Nations should make fuller use of their respective competences under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons,

Recalling also its resolution 1992/63 of 3 March 1992 and its previous relevant resolutions, as well as those of the General Assembly,

Noting with interest that the Secretary-General, in "An agenda for peace", identifies the linkage between preventive diplomacy and humanitarian assistance and recognizes that preventive diplomacy requires an early warning capacity,

Noting also that the Secretary-General, in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/47/595), states that in complex emergencies, humanitarian assistance is essential but must be complemented by measures to address the root causes of such emergencies and that the establishment of the inter-agency consultation on early warning serves the purposes of both prevention and preparedness,

Noting that the General Assembly, in its resolution 47/105 of 16 December 1992, welcomed the commitment of the United Nations High Commissioner for Refugees, bearing in mind her mandate and responsibilities, to explore and undertake activities aimed at preventing conditions that give rise to refugee outflows and encouraged the High Commissioner to continue her efforts to increase cooperation with the Commission on Human Rights, the Centre for Human Rights and relevant organizations,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons,

Noting that in its resolution 47/105 the General Assembly strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities,

Recalling that the General Assembly, in its resolution 46/127 of 17 December 1991, invited the Commission to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons,

1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including, inter alia, the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

3. Recalls its resolution 1985/40 of 13 March 1985, and recommends that special rapporteurs, special representatives and working groups studying situations of violation of human rights pay attention to problems resulting in mass exoduses of populations and, where appropriate, report and make relevant recommendations to the Commission on Human Rights;

4. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission, and, in particular, to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

5. Notes that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements, problems of protection and solutions;

6. Welcomes the High Commissioner's contributions to the deliberations of international human rights bodies and encourages her to seek ways to make these contributions even more effective;

7. Takes note of General Assembly resolution 46/127, in which the Assembly noted that mass movements of population were caused by multiple and complex factors;

8. Welcomes the statement made by the United Nations High Commissioner for Refugees at its 50th meeting, on 3 March 1993, in which she emphasized the need for early response by the international community to human rights situations which threaten to generate refugees and displaced persons, or which impede their voluntary return;

9. Invites the United Nations High Commissioner for Refugees to address the Commission at its fiftieth session;

10. Encourages States that have not already done so to accede to the 1951 Convention relating to the Status of Refugees and the Protocol thereto of 1967;

11. Urges the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area by, inter alia, the designation of the Department of Humanitarian Affairs as the focal point for early warning in this area and strengthened coordination between relevant offices of the Secretariat concerned with early warning and organizations of the United Nations system, for the purpose of ensuring, inter alia, that effective action is taken to identify human rights abuses which contribute to mass outflows of persons;

12. Welcomes the decision by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation related to possible flows of refugees and displaced persons, based on the sharing and analysis of relevant information between United Nations bodies, and the development of collective recommendations for action to alleviate, inter alia, the possible causes of new flows of refugees and displaced persons;

13. Also welcomes the decision by the Administrative Committee on Coordination to designate the Department of Humanitarian Affairs as the focal point of the United Nations inter-agency early-warning consultation;

14. Urges the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early-warning consultation;

15. Urges all the bodies involved in the inter-agency consultation to cooperate fully in, and devote the necessary resources to, the successful operation of the consultation;

16. Requests the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and non-governmental organizations for information and to prepare, within existing resources, and submit to the Commission at its fiftieth session a report outlining the principal developments in the United Nations system with regard to early warning and preventive diplomacy since the issuance of "An agenda for peace", paying particular attention to early warning and preventive diplomacy in the areas of human rights and humanitarian assistance;

17. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under a sub-item entitled "Human rights, mass exoduses and the displaced".

65th meeting
10 March 1993
[Adopted without a vote. See chap XII.]

1993/71. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions on the subject of summary and arbitrary executions, of which the latest is 47/136 of 18 December 1992,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136,

Welcoming the cooperation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Commission on Crime Prevention and Criminal Justice with regard to questions relating to extrajudicial, summary or arbitrary executions,

Also welcoming the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

Deeply alarmed at the occurrence, on a large scale, of extrajudicial, summary or arbitrary executions,

Welcoming the attention given to situations of public manifestations, internal violence, disturbances, tensions and public emergency by the Special Rapporteur in his report (E/CN.4/1993/46) in view of the needless loss of life consequent upon the level of violence in many such situations,

Convinced of the need for appropriate action to combat and eventually to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns once again the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Appeals urgently to Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to take effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions;

3. Welcomes the appointment, in accordance with paragraph 5 of Commission on Human Rights resolution 1992/72 and Economic and Social Council decision 1992/242 of 20 July 1992, of Mr. Bacre Waly Ndiaye as the new Special Rapporteur for extrajudicial, summary or arbitrary executions;

4. Takes note with appreciation of the report of the Special Rapporteur and welcomes his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights;

6. Also requests the Special Rapporteur in his next report to pay special attention to extrajudicial, summary or orarbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations;

7. Urges Governments to undertake all necessary and possible measures to lower the level of violence and the needless loss of life consequent thereupon during situations of public manifestations, internal violence, disturbances, tensions and public emergency;

8. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments;

9. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

10. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

11. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to initiate, coordinate or support programmes designed to train and educate law enforcement officers and government officials on human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

12. Reiterates the obligation of all Governments to see to it that all alleged violations of the right to life are properly investigated, including all suspected cases of extrajudicial, arbitrary and summary executions, with a view to bringing to justice those responsible for violations of the right to life, bearing in mind the norms and principles contained in the pertinent international instruments;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur, in particular by strengthening the human and material resources placed at the disposal of the Special Rapporteur, within the overall framework of the regular budget of the United Nations;

14. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur, as well as recommendations made by him;

15. Urges all Governments, in particular those which consistently have not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively;

16. Requests the Special Rapporteur to enhance his dialogue with Governments by following up on communications dispatched to Governments transmitting allegations of extrajudicial, summary or arbitrary executions and allegations of imminent or threatened executions, as well as by following up on recommendations made by the Special Rapporteur in reports on on-site visits to particular countries;

17. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

18. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

19. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

20. Decides to consider the question as a matter of high priority at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/72. Situation of human rights in Romania

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Recalling its resolution 1992/64 of 3 March 1992,

Welcoming the efforts of the Government of Romania during the past three years to promote respect for human rights and recent measures it has taken to that end,

Having considered the report of the Secretary-General (E/CN.4/1993/40),

Recognizing the need to continue to promote a climate favourable to establishing a social order based on full respect for human rights and fundamental freedoms in Romania,

1. Takes note with appreciation of the reply of the Government of Romania concerning measures taken to guarantee and promote the implementation of human rights in that country contained in the report of the Secretary-General (see, E/CN.4/1993/40, sect. I);

2. Welcomes the steps taken to establish in Romania a democratic and pluralist system of government based on respect for human rights and the rule of law;

3. Also welcomes the declared ambition of the Government of Romania to fulfil the obligations undertaken under the international conventions and instruments to which it is a party and whose objectives are, inter alia, to prevent discrimination based on race, colour, national origin or religion;

4. Takes note of the fact that respect for human rights in general is improving in Romania, although shortcomings remain to be overcome as regards implementation of constitutional and legislative rules by local authorities, inter alia relating to the protection of persons belonging to national minorities;

5. Urges the Government and authorities of Romania to continue their efforts to ensure respect for human rights in all their aspects in the country, both de jure and de facto;

6. Takes note with appreciation of the positive attitude of the Government of Romania and its declared readiness to continue to cooperate with the Commission on Human Rights;

7. Welcomes the close cooperation between the Government and authorities of Romania and the Centre for Human Rights in the field of advisory services, particularly the ongoing implementation of the agreement between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Romania, on the other, providing for publications, training, education, seminars, workshops, fellowships, advisory services of experts and support for national institutions, given for a period of two to three years beginning 1 October 1991;

8. Encourages the Government and authorities of Romania and the Centre for Human Rights to continue their cooperation in the field of advisory services;

9. Requests the Secretary-General to invite the Government of Romania to provide information regarding the implementation of the present resolution, and to forward such information, together with relevant information from intergovernmental and non-governmental organizations, to the Commission on Human Rights;

10. Decides to continue its consideration of assistance to the Government of Romania in the field of human rights at its fiftieth session under the agenda item "Advisory services in the field of human rights".

66th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/73. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all, and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government, Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of those elections,

Deploring that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, Nobel Peace Prize laureate, is still under house arrest,

Regretting in this context that the Nobel Peace Prize laureates were not allowed to enter Myanmar to meet with Daw Aung San Suu Kyi,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949, in particular the Convention relative to the Protection of Civilian Persons in Time of War, the release of a certain number of political prisoners and the reopening of universities,

Expressing its deep concern at the violations of human rights in Myanmar which remain extremely serious, in particular those concerning the practice of torture, summary and arbitrary execution, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed, in particular, at minority groups,

Noting that this situation has resulted in flows of refugees towards neighbouring countries,

Deeply concerned at the continuous problems created in neighbouring countries by the exodus of refugees from Myanmar, including almost two hundred and fifty thousand Myanmar Muslim refugees to Bangladesh,

Concerned at the absence of guarantees for the physical integrity and well-being of returnees,

Having examined the reports of the Working Group on Arbitrary Detention (E/CN.4/1992/20), the Special Rapporteur on the question of torture (E/CN.4/1993/26) and the Special Rapporteur on the question of religious intolerance (E/CN.4/1993/62),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar, Taking note of General Assembly resolution 47/144 of 18 December 1992 concerning the situation of human rights in Myanmar,

Noting that the Special Rapporteur has visited Myanmar at the invitation of the Government of Myanmar,

Deploring, however, that in spite of the provisions of resolution 1992/58 requesting the Myanmar authorities to extend their full and unreserved cooperation to the Special Rapporteur, he has been denied access to some persons, in particular detainees, including Daw Aung San Suu Kyi, and that a number of persons wishing to provide testimony have been subjected to intimidation or harassment,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1993/37) and the conclusions and recommendations contained therein;

2. Deplores the continued seriousness of the situation of human rights in Myanmar, and in particular the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

3. Urges the Government of Myanmar to take, in conformity with the assurances given at various times, firm steps towards the establishment of a democratic State and to adopt the measures recommended in General Assembly resolution 47/144;

4. Notes with concern in this respect that the National Convention created to prepare basic elements for the drafting of a new constitution is meeting, having excluded most of the representatives duly elected in 1990, and also notes with concern that one of its objectives is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State;

5. Urges the Government of Myanmar to take every appropriate measure to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through convening the Parliament elected in May 1990, lifting restraining orders placed on a number of political leaders, releasing those who are detained, ensuring that political parties can function normally and lifting restrictions on the right of association and assembly, as well as the right to freedom of opinion and expression;

6. Strongly urges the Government of Myanmar to restore full respect for human rights and fundamental freedoms, to restore the protection of persons belonging to minority groups, notably against discrimination concerning them, especially in the framework of citizenship laws, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women and forced labour and to enforced disappearance and summary executions;

7. Calls upon the Government of Myanmar to consider lifting emergency measures, which should cease to be the basis of law;

8. Reminds the Government of Myanmar of its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, to prosecute them and to punish those found guilty, in all circumstances;

9. Urges the Government of Myanmar to release unconditionally and to ensure the physical integrity of the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last four years, as well as other detained political leaders and all political prisoners;

10. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

11. Also appeals to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organisation;

12. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trail, according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

13. Calls upon the Government of Myanmar to create the necessary conditions that would end the flow of Myanmar refugees to neighbouring countries, and to facilitate their early repatriation and their full reintegration, in conditions of safety and dignity, in particular through cooperation with the Office of the United Nations High Commissioner for Refugees;

14. Invites the Government of Myanmar to fully respect its obligations under the Geneva Conventions of 12 August 1949, in particular their common article 3, and to resort to the services of impartial humanitarian bodies;

15. Calls upon the authorities of Myanmar to give particular attention to prison conditions in the country's jails;

16. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session;

17. Urges the Government of Myanmar to extend in the future its full and unreserved cooperation to the Commission and the Special Rapporteur and, to this end, to ensure that the Special Rapporteur has effectively free access to any person in Myanmar whom he deems appropriate to meet in the performance of his mandate;

18. Decides to keep the matter under review at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/74. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling further its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including the most recent, resolution 1992/71 of 5 March 1992, by which it extended the mandate of the Special Rapporteur for a further year and requested him in pursuing his mandate to visit again the northern area of Iraq, in particular, and to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session,

Recalling General Assembly resolutions 46/134 of 17 December 1991, in which the Assembly expressed its deep concern at the flagrant violations of human rights by the Government of Iraq, and 47/145 of 18 December 1992, in which the Assembly decided to continue the examination of the situation of human rights in Iraq at its forty-eighth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned by the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression and of association, as well as of the existence of specific and serious discrimination within the country in terms of access to food and health care,

Deeply concerned at the fact that chemical weapons have been used on the Iraqi civilian population, at the forced displacement of hundreds of thousands of Kurds and at the destruction of Iraqi towns and villages, as well as at the fact that tens of thousands of displaced Kurds have to take refuge in camps and shelters in the north of Iraq and at the deportation of thousands of Kurdish families,

Deeply concerned also that the severe and grave violations of human rights by the Government of Iraq have led to a deterioration of the situation of the civilian population in southern Iraq, in particular in the southern marshes,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq, and noting that, despite the formal cooperation extended to the Special Rapporteur by the Government of Iraq, such cooperation needs to be improved, in particular by giving full replies to the inquiries of the Special Rapporteur,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcoming the Special Rapporteur's proposal for the deployment of a team of human rights monitors,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1993/45) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights, of the gravest nature, for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and mass graves throughout Iraq, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marsh area;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, including of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals irrespective of their origin within its territory and subject to its jurisdiction;

4. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

5. Urges the Government of Iraq to set up an independent commission of inquiry and to take all necessary steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of tens of thousands of disappeared persons;

6. Also urges the Government of Iraq to take immediate steps to bring the action of its security apparatus into line with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

7. Expresses its special alarm at the repressive policies and practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

8. Also expresses its special alarm at the continued policy of discriminatory and repressive acts against the Shiah communities and the civilian population in southern Iraq, which is the result of a preconceived policy against the marsh Arabs;

9. Further expresses its special alarm at all internal embargoes which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon

Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

10. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations for improving the situation of human rights in Iraq;

11. Requests the Secretary-General, in consultation with the Special Rapporteur, to take the necessary measures in order to send human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

12. Decides to extend for a further year the mandate of the Special Rapporteur as contained in Commission resolutions 1991/74 and 1992/71;

13. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, notably during his next visit to Iraq;

14. Requests the Special Rapporteur to submit an interim report to the General Assembly at its forty-eighth session and a report to the Commission at its fiftieth session on the situation of human rights in Iraq;

15. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors;

16. Also requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to perform his task;

17. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fiftieth session.

66th meeting
10 March 1993
[Adopted by a roll-call vote of 36 to 1, with 15 abstentions. See chap. XII.]

1993/75. Situation of human rights in Togo

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, _Recalling_ that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Emphasizing that Togo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights,

Deeply deploring the repeated acts of violence that have occurred, most recently in January 1993, for which the Togolese authorities are responsible and which have resulted in many civilians being killed or wounded,

Concerned about the situation of human rights in Togo, in particular about the use of force during peaceful gatherings,

Noting that hundreds of thousands of Togolese have fled to neighbouring Ghana or Benin,

Noting with interest the declaration on the situation in Togo made at the fifty-seventh ordinary session of the Council of Ministers of the Organization of African Unity, held at Addis Ababa from 15 to 19 February 1993, and the efforts at conciliation between the parties in Togo made at the Colmar meeting held on 8 and 9 February 1993 under the auspices of the French and German Governments,

Having examined the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46), which describes serious violations of human rights in Togo,

1. _Deplores_ the serious obstacles standing in the way of the process of democratic transition and encourages additional efforts to ensure the continuation of this process, in full respect for human rights and fundamental freedoms;

2. _Also deplores_ the use of violence by the armed forces against peaceful demonstrators, which has claimed many victims;

3. _Calls upon_ the authorities in Togo to take all necessary measures to create conditions conducive to the return of Togolese refugees in neighbouring countries in complete security and dignity and to guarantee the security of all Togolese, including political opponents;

4. _Encourages_ the efforts made at the regional and international levels to facilitate the resumption of the democratization process in a climate of security and respect for human rights;

5. _Requests_ the Secretary-General:

(a) To bring the present resolution to the attention of the Togolese authorities and to request them to indicate, as soon as possible, the action taken in pursuance of the present resolution;

(b) To report to the Commission, at its fiftieth session, on the basis of any information which might be gathered on the situation of human rights in Togo, including information supplied by non-governmental organizations;

6. Decides to consider the question at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/76. Human rights violations in Bougainville

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the International Bill of Human Rights and other international instruments in the field of human rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992,

Recalling the need for scrupulous respect for the principle of the non-use of force or threat of the use of force in international relations as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, set forth in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970,

Gravely concerned at the loss of life, the damage to property and the negative effects on the economy and culture of Bougainville owing to the present situation,

1. Urges the Government of Papua New Guinea to permit international fact-finding missions access to Papua New Guinea, particularly including Bougainville, to assist with the resolution of the conflict with due consideration for the Universal Declaration of Human Rights, the Charter of the United Nations and other relevant international treaties to which the Government of Papua New Guinea is a party;

2. Also urges the Government of Papua New Guinea to recommence negotiations with all factions of the Bougainville peoples with a view to achieving peace and a mutually satisfactory solution to the armed conflict in Bougainville;

3. Requests the Secretary-General to transmit to the Commission on Human Rights information made available to him on the situation in Bougainville by the Government of Papua New Guinea and other reliable sources for consideration at its fiftieth session.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/77. Forced evictions

The Commission on Human Rights,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/12 of 26 August 1991,

Also recalling its own resolution 1992/10 of 21 February 1992, in which it took note with particular interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III), adopted on 12 December 1991 by the Committee on Economic, Social and Cultural Rights at its sixth session, and the reaffirmed importance attached in this framework to respect for human dignity and the principle of non-discrimination,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity,

Concerned that, according to United Nations statistics, in excess of one billion persons throughout the world are homeless or inadequately housed, and that this number is growing,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness and in inadequate housing and living conditions,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors,

Emphasizing that the ultimate legal responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6),

Mindful of the questions concerning forced evictions included in the guidelines for States' reports submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1991/23, annex IV),

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4, considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Taking note of the observations of the Committee on Economic, Social and Cultural Rights at its fifth and sixth sessions concerning forced evictions,

Taking note also of the inclusion of forced evictions as one of the primary causes of the international housing crisis in the working paper on the right to adequate housing, prepared by the expert, Mr. Rajindar Sachar (E/CN.4/Sub.2/1992/15),

Taking note further of Sub-Commission resolution 1992/14 of 27 August 1992,

1. Affirms that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing;

2. Urges Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced eviction;

3. Also urges Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups;

5. Requests the Secretary-General to transmit the present resolution to Governments, relevant United Nations bodies, including the United Nations Centre on Human Settlements, the specialized agencies, regional, intergovernmental and non-governmental organizations and community-based organizations, soliciting their views and comments;

6. Also requests the Secretary-General to compile an analytical report on the practice of forced evictions, based on an analysis of international law

and jurisprudence and information submitted in accordance with paragraph 5 of the present resolution, and to submit his report to the Commission at its fiftieth session;

7. Decides to consider the analytical report at its fiftieth session, under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/78. Implementation of the Convention on the Rights of the Child

The Commission on Human Rights,

Recalling General Assembly resolution 47/112 of 16 December 1992 and its own resolution 1992/75 of 5 March 1992,

Reaffirming that the rights of children require special protection and call for continuous improvement of their situation all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Having considered the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1993/65),

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child;

2. *Expresses its satisfaction* at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

3. *Calls upon* all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

4. *Requests* the Secretary-General to continue to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention, as well as to promote the full realization of its principles and provisions;

5. *Expresses its alarm* at persistent reports that massive violations of the rights of the child continue worldwide;

6. *Urges* States parties to take immediate steps to ensure strict compliance with their obligations under the Convention;

7. *Appeals* again to States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law;

8. *Recognizes* the important functions of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention;

9. *Welcomes* the constructive and useful results achieved by the Committee on the Rights of the Child during its first three sessions;

10. *Takes note* of the consideration by the Committee during its third session of the first reports of States parties;

11. *Welcomes* the decision of the Committee at its second session to consider the reservations and declarations entered by States parties to the Convention when examining the reports of the States parties, with a view to encouraging the withdrawal of those reservations and declarations no longer considered necessary;

12. *Also welcomes* the decision of the Committee at its third session to recommend that the General Assembly initiate a study, in accordance with article 45 (c) of the Convention, on children in armed conflicts;

13. *Requests* the Secretary-General to continue to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee on the Rights of the Child;

14. *Welcomes* General Assembly resolution 47/112, in which the Assembly approved the recommendation of the meeting of the States parties to the Convention on 11 November 1992 regarding the organization of the work of the Committee and the establishment of a pre-sessional working group;

15. Expresses concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties faced by it in the fulfilment of its functions;

16. Takes note with interest of the methods of work established by the Committee on the Rights of the Child, including the adoption of an urgent action procedure;

17. Invites bodies and organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;

18. Requests the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its fiftieth session;

19. Decides to consider the report of the Secretary-General at its fiftieth session under the agenda item "Rights of the child".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/79. Programme of Action for the Elimination of the Exploitation of Child Labour

The Commission on Human Rights,

Recalling the principles embodied in the Convention on the Rights of the Child,

Bearing in mind its resolutions 1991/54 and 1991/55 of 6 March 1991 and 1992/74 of 5 March 1992,

Having examined the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34 and Corr.1), and especially the draft programme of action for the elimination of the exploitation of child labour contained in annex I to that report, which the Sub-Commission on Prevention of Discrimination and Protection of Minorities transmitted to the Commission by its resolution 1992/2 of 14 August 1992,

Having also examined section I.B of the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67),

Bearing in mind decision 1990/6 on children in particularly difficult circumstances adopted by the Executive Board of the United Nations Children's Fund at its 1990 session,

Deeply concerned at the information on the generalization of the exploitation of child labour, Conscious of the harm that this practice causes to children all over the world,

Noting with appreciation the programmes for the elimination of the exploitation of child labour adopted by the International Labour Organisation,

Aware of the need to adopt urgent measures to prevent and eliminate these problems,

1. Adopts the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which is annexed to the present resolution;

2. Recommends that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels;

3. Urges United Nations bodies and intergovernmental organizations concerned, such as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, to bear the Programme of Action in mind when deciding on their policies and formulating programmes relating to the child population and the family;

4. Also urges non-governmental organizations to base themselves on the Programme of Action when performing activities relating to their mandates;

5. Invites the Committee on the Rights of the Child to study the possibility of bearing the Programme of Action in mind when considering reports submitted by States parties to the Convention on the Rights of the Child and, in general, in connection with all activities that it carries out in accordance with its mandate;

6. Invites the Special Rapporteur on the sale of children to bear the Programme of Action in mind when carrying out activities in accordance with his mandate;

7. Requests all States periodically to report to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures;

8. Requests the Sub-Commission to submit to the Commission on Human Rights every two years a progress report on the implementation of the Programme of Action by all States;

9. Requests the Under-Secretary-General for Human Rights to provide the Sub-Commission with the cooperation needed to fulfil the present mandate;

10. Decides to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

ANNEX

Programme of Action for the Elimination of the Exploitation of Child Labour

General

1. In spite of the progress made in combating the exploitation of child labour, in particular through the development of national and international norms which have defined the bases of legal protection, and of mechanisms for monitoring their application, the exploitation of child labour still remains a current and widespread phenomenon of a serious nature in various parts of the world.

2. This phenomenon, which is both complex and worldwide, varies from one country to another. Although the industrialized countries are not spared, it affects the developing countries more particularly, and within each country the more vulnerable groups of the population. Poverty is often the main cause of child labour, but generations of children should not be condemned, until poverty is overcome, to exploitation. Underdevelopment cannot justify exploitation of which children are the victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour. Besides the long-term action which should be initiated with a view to treating the deep causes underlying the exploitation of child labour, it is essential that urgent measures and medium- and short-term action be taken to meet the immediate needs of the children who are exposed to the gravest dangers, while making sure that such action is integrated into economic and social development strategies.

3. High priority should be given to the elimination of the most odious or degrading forms of child exploitation, in particular child prostitution, pornography, the sale of children, the employment of children in dangerous occupations or for enforced begging and debt bondage.

4. The international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including their implication in the narcotic drugs traffic or in armed conflicts or military activities.

5. Action should be directed, first, towards the most dangerous forms of child labour and the elimination of work by children under 10 years of age,

with a view to the total elimination of child labour as prohibited by the provisions of the relevant international instruments.

6. Special attention should be paid to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, refugee children, children in occupied territories and those under the apartheid regime.

7. In order to reach the core of one of the prime causes of exploitation of child labour, which is poverty, increased resources should be made available through bilateral and multilateral channels for the elimination of the exploitation of child labour. Elimination of the phenomena linked with the exploitation of child labour calls for social measures and development assistance. Their prevention will require deep structural reforms in the economic, social and cultural spheres.

8. Particular attention should also be given to social rehabilitation, education and information. It is important that the means of protecting children should be strengthened by development, the reinforcement of legislation and proper application of the relevant laws.

9. Adequate means and concerted measures are necessary at the local, national, regional and international levels.

Information

10. The public could be made aware of the problem and the different aspects of the exploitation of child labour by national and international information campaigns. The extent of the problem cannot be accurately defined by reference to the statistics from various sources. The sectors favouring the exploitation of child labour should be specially targeted (agriculture, non-structured urban sector and domestic service). It is important to reach the children who are the invisible victims of parallel employment networks. At the national level it is necessary to develop means of investigation and supervision by labour inspectors in order to detect and prosecute cases of exploitation of child labour, so as to break up the clandestine employment networks. Public and private institutions and agencies dealing with children who have been victims of labour exploitation should be encouraged to keep appropriate statistical information for scientific purposes, while respecting anonymity and confidentiality. The information campaign should also be able to reach children directly, in order to inform them of their rights and make them aware of the risks they run.

Education and vocational training

11. There is undoubtedly a link between child labour, illiteracy, school failure and the lack of vocational training. Education is one of the most effective measures to prevent child labour. Massive literacy programmes, combined with legislation making basic training obligatory and free, as well as measures to combat school wastage and to develop vocational training, in the form, for example, of a system of apprenticeship, are extremely

necessary. Such programmes could be supported by community campaigns to increase the awareness and motivation of families, and in particular of women.

Social action

12. The economic and social causes of the persistence of child labour, including the fact that it is seen in many cases as a means of survival for the children and their families, should be taken up in order to offer an alternative that will take the children out of the circle of poverty and exploitation. Urgent measures could be taken on behalf of children who are subjected to high physical and moral risks. It is important to give them protection and assistance, including social and medical assistance, while at the same time pursuing the objective of the elimination of child labour. These urgent measures should be backed up by programmes of social rehabilitation.

Development aid

13. For many countries, the implementation of local, regional and national programmes on behalf of children requires appropriate international aid and a deeper commitment by the international community, whether through specific projects or through development assistance.

Labour standards and their application

14. States should adhere to the international standards in force and ensure that they are rigorously applied. It is important that, in accordance with article 1 of the Minimum Age Convention, 1973 (No. 138) of the International Labour Organisation, States should undertake "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". National legislation should explicitly prohibit dangerous or high-risk employment and prescribe penalties for employers who break this law, as well as providing for the establishment of an effective labour inspection system. In at least three cases the exploitation of child labour is no less than a flagrant crime which violates the Charter of the United Nations, the principles of the Charter and the Universal Declaration of Human Rights, the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these cases, namely:

(a) Sale and similar practices (serfdom, bond service, fake adoption, abandonment);

(b) Child prostitution, trafficking in pornography involving the sexuality of children, and international traffic in girls and boys for immoral purposes;

(c) Under-age maidservants in a position of servitude.

Duties of States

15. States should fully apply the provisions of the Declaration on the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959, and more particularly:

(a) Principle 2, according to which "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity ...;"

(b) Principle 9, according to which "The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form ...".

16. States should consider the possibility of ratifying, as soon as possible, the Convention on the Rights of the Child adopted by the General Assembly in its resolution 44/25 of 20 November 1989, and in this context should fully implement, in particular, article 32, which reads as follows:

> "1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
>
> "2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
>
> (a) Provide for a minimum age or minimum ages for admission to employment;
>
> (b) Provide for appropriate regulation of the hours and conditions of employment;
>
> (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. Over forty countries have ratified the Minimum Age Convention, 1973 (No. 138) of the International Labour Organisation. Those that have not done so should take appropriate steps to ratify that Convention. In this connection, greater assistance from the International Labour Organisation should be extended to the developing countries to facilitate their increased participation in standard-setting activities and in the implementation of ratified conventions.

18. States should adopt and implement policies and programmes to narrow the gap between legislation and its implementation in practice.

19. States should, until such time as child labour is eliminated, pay specific attention to the issue of protection of working children and make recommendations on ways and means to ensure that their working conditions are kept under scrutiny and control.

20. States which have not already done so should review their legislation in the field of child labour with a view to the absolute prohibition of the employment of children in the following cases:

(a) Employment before the normal age of completion of primary schooling in the country concerned;

(b) Under-age maid service;

(c) Night work;

(d) Work in dangerous or unhealthy conditions;

(e) Activities linked with prostitution, pornography and other forms of sexual trade and exploitation;

(f) Work concerned with trafficking in and production of illicit drugs;

(g) Work involving degrading or cruel treatment.

21. States should take preventive and curative measures, including the strengthening of their legislation, to combat the phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including the traffic in narcotic drugs, or in armed conflicts or military activities, or any other form of conflict.

22. Member States should be encouraged to strengthen cooperation between police and all public and private organizations which deal with cases of exploitation of child labour either within or outside the family, to facilitate identification of cases of exploitation of child labour and to take measures necessary to eliminate it.

23. States should, where necessary, undertake development programmes with a view to:

(a) Making primary education compulsory and available free to all;

(b) Assisting and encouraging families in order that their children may continue their education, in order to combat illiteracy and the phenomenon of school drop-outs; and, until such time as primary education is compulsory and available free to all, developing school programmes, including part-time education programmes, adapted to the needs of children who are not in school;

(c) Adapting school curricula to the preparation of a child for a career;

(d) Improving the training programmes of professional workers dealing with child labour, in particular labour inspectors, social workers and magistrates, with a view, in particular, to making them more sensitive to the needs of children;

(e) Establishing or improving medical services for children.

24. States should ensure the availability of a sufficient number of work inspectors and train them systematically to deal with cases of exploitation of child labour. Particular attention should be given in national and regional plans for economic and social development to the occupational training of young people. National development plans should also include a section devoted particularly to the employment of young people and to methods of ensuring that the most deprived have sufficient resources to be able to protect themselves from conditions leading to exploitation.

25. All Member States should endeavour to establish national agencies or institutions to promote the rights of children and to protect them from any form of exploitation. Particular efforts should be made to stress the importance of family values.

Role of United Nations bodies and specialized agencies

26. The International Labour Organisation should be encouraged in its activities within the framework of its work programme relating to child labour. Other United Nations bodies and specialized agencies, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, should develop and/or reinforce their activities in the field of child labour.

27. All competent United Nations bodies and specialized agencies, development banks and intergovernmental bodies involved in development projects should ensure that no child is employed either directly or through local subcontractors.

28. The United Nations and the specialized agencies, having regard to their special responsibilities in the field of child labour, should pay special attention to the situation of children in South Africa and in the occupied Arab territories.

29. While the question of exploitation of child labour should primarily be dealt with by the International Labour Organisation, the United Nations human rights bodies should continue to be concerned with this question in the framework of the rights of the child in general. The Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery should continue to have responsibility in this field.

30. The United Nations and the specialized agencies, including the United Nations University, should continue to incorporate in their programmes a series of interdisciplinary and multinational projects for comparative

research on the various aspects of the exploitation of child labour throughout the world and in particular in the countries of Africa, Asia and Latin America.

31. The United Nations and the specialized agencies should reinforce their programmes related to the elimination of the exploitation of child labour, and in particular to the study of the economic, social, legal and cultural factors which give rise to it.

32. The Secretary-General should invite all United Nations bodies and specialized agencies to attach greater importance to eliminating the exploitation of child labour and to study and discuss this issue at forthcoming international conferences, with special emphasis being placed on it at major conferences.

33. An international child welfare fund should be established. The resources of the fund would be allocated to combat violations of the rights provided for in the Convention on the Rights of the Child, particularly the rights of those children living in especially difficult circumstances, such as orphans and street children, refugees or displaced persons, victims of war and of natural and man-made disasters, including such perils as exposure to radiation and dangerous chemicals, children of migrant workers and other socially disadvantaged groups, child workers or youth trapped in the bondage of prostitution, sexual abuse and other forms of exploitation, disabled children and juvenile delinquents and victims of apartheid and foreign occupation. Such children deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation.

Cooperation at the local, national and international levels

34. Major steps should be taken by Governments, international organizations and non-governmental organizations to increase awareness amongst children, parents, workers, trade unions and employers of the causes and the adverse effects of child labour and measures to combat its exploitation. Such steps could include wider dissemination of relevant international instruments translated, where appropriate, into languages other than the official languages of the United Nations, as well as the development and strengthening of existing norms.

35. Support should be given to non-governmental organizations concerned with the problem of child labour, particularly at the community level, and a constructive partnership should be evolved between Governments and non-governmental organizations.

36. The United Nations bodies and the specialized agencies dealing with the problem of child labour should seek the cooperation of national and international trade unions.

37. Appropriate and necessary forms of support should be given to non-governmental organizations at all levels, especially community organizations, concerned with the problem of child labour.

38. Concerned United Nations bodies and specialized agencies should examine the possibility of promoting an information campaign among villagers, employers, parents, children and other groups in countries where child labour exists.

39. Members of the international community should cooperate in order to assist developing countries in creating conditions under which child labour could be entirely eliminated.

1993/80. Application of international standards concerning the human rights of detained juveniles

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Recalling article 1 of the Convention, which extends the protection of its provisions to "every human being below the age of eighteen years",

Taking into account articles 37 and 40 of the Convention on the Rights of the Child, which regulate the detention of young offenders who have infringed the penal law,

Bearing in mind the work done by the Committee on the Rights of the Child in supervising the due implementation of the Convention, and specifically articles 37 and 40 thereof,

Recalling the important instruments adopted by the United Nations in the area of the administration of juvenile justice,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/25, of 27 August 1992,

Concerned that, because of the great vulnerability of juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities, violations of the human rights of detained juveniles have serious and far-reaching consequences for the juveniles concerned and for society,

1. Congratulates the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its sustained concern for detained juveniles;

2. Notes with thanks the final report prepared by the Special Rapporteur of the Sub-Commission, Mrs. Mary Concepción Bautista, on this subject (E/CN.4/Sub.2/1992/20) and the addendum to the report containing the note by the Secretary-General on the question of detained juveniles;

3. Welcomes the proposal by the Secretary-General (E/CN.4/Sub.2/1992/20/Add.1) to organize, within the framework of the programme of human rights activities for 1994, a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles;

4. Expresses the wish that the Committee on the Rights of the Child, the Working Group on Contemporary Forms of Slavery and the Working Group on Detention of the Sub-Commission should be represented at the meeting of experts, together with the specialized non-governmental organizations, in particular those of juvenile court judges;

5. Endorses the request by the Sub-Commission to the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts;

6. Requests the Secretary-General to report on the results of the meeting to the Commission at its fifty-first session and to the Sub-Commission at its forty-sixth session;

7. Decides to consider the question of the application of international standards concerning the human rights of detained juveniles at its fiftieth session under the agenda item "Rights of the child".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/81. The plight of street children

The Commission on Human Rights,

Recalling the Convention on the Rights of the Child as a major contribution to the protection of the rights of all children,

Recalling also the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (A/45/625, annex), the World Declaration on Education for All adopted by the World Conference on Education for All, held at Jomtien, Thailand, from 5 to 9 March 1990, chapter 25 of Agenda 21 adopted at the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, and General Assembly resolution 47/126 of 18 December 1992,

Reaffirming that children are a particularly vulnerable group in society whose rights require special protection and that children living under especially difficult conditions, for example on the street, deserve special attention, protection and assistance from their families and communities as well as on a national and international level,

Profoundly concerned that the killing of and violence against street children deprives them of, or threatens, the most fundamental right of all, the right to life,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned over the growing number of street children worldwide and the squalid conditions in which these children are forced to live,

Recognizing the duty and responsibility of Governments to investigate all cases of offences against street children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and the administration of justice,

Welcoming the efforts taken by some Governments to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Taking note with appreciation of the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the sale of children, child prostitution and child pornography and the United Nations International Drug Control Programme,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance and exploitation, and aware that serious socio-economic difficulties can aggravate these problems,

Reaffirming that international cooperation can help to improve the quality of life of children in every country,

1. Expresses grave concern at the growing number of incidents worldwide and reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive ways to prevent the marginalization of children in society and the emergence of the phenomenon of street children;

3. Also urges Governments, meanwhile, to take measures to restore street children's full participation in society, to involve street children in the development of such programmes and to provide, inter alia, adequate nutrition, shelter, health care and education;

4. Calls upon all States that have not done so to become parties to the Convention on the Rights of the Child as a matter of priority;

5. Emphasizes that strict compliance with the provisions of the Convention, which is obligatory for States parties, would constitute a significant step towards solving the problems of street children;

6. Encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting or indicating their need for technical advice and assistance with initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

7. Invites Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to cooperate with each other and to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, the dissemination of information and the exchange of views;

8. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, by, among other measures, supporting development projects that can have a positive impact on the situation of street children;

9. Invites the Committee on the Rights of the Child to consider the possibility of a general comment on street children;

10. Recommends that the Committee on the Rights of the Child and other relevant treaty bodies bear this growing problem in mind when examining reports from States parties;

11. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

12. Decides to consider the question at its fiftieth session under the agenda item "Rights of the child".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/82. Special Rapporteur on the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Recalling its resolution 1990/68 of 7 March 1990, by which it decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography,

Recalling also Economic and Social Council decision 1990/240 of 25 May 1990, by which the Council decided to request the Chairman of the Commission to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes,

Recalling further its resolution 1992/76 of 5 March 1992, by which the Commission decided to extend the mandate of the Special Rapporteur for three years, while maintaining the annual reporting cycle,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/2 of 14 August 1992 on the report of its Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34 and Corr.1), in which the Sub-Commission decided to transmit to the Commission the draft programme of action for the elimination of the exploitation of child labour,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the meaningful role it can play in ensuring an effective protection of the rights of children,

Recalling also the adoption by the Commission in its resolution 1992/74 of 5 March 1992 of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Deeply concerned, however, about the persistence of the practices of the sale of children, child prostitution and child pornography in many parts of the world, which may also often constitute an exploitation of child labour,

Bearing in mind that the General Assembly by its resolution 44/82 of 8 December 1989 proclaimed 1994 as International Year of the Family and recognizing the important role the Commission can play in this regard,

Recognizing the need for a continuing exchange of information between the various mechanisms and bodies entrusted with the task of preventing and combating the practices of the sale of children, child prostitution and child pornography,

Recognizing also the need to build a network of contacts at both the national and international levels, including the governmental and non-governmental spheres, Recognizing further the importance of preventing the involvement of children in armed conflicts and ensuring close cooperation with assistance and humanitarian organizations as well as with military entities,

Having considered the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67 and Add.1) and the conclusions and recommendations contained therein,

1. Welcomes the report of the Special Rapporteur on the sale of children;

2. Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography;

3. Stresses the need for an effective multidisciplinary approach, at both the international and national levels;

4. Recognizes the important role that specialized agencies, non-governmental organizations and the community at large can play in order to ensure a greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including by the dissemination of information and the teaching of children's rights;

5. Also recognizes the importance of strengthening the cooperation between international agencies dealing with development aid and assistance in the field of the rights of the child, in particular in the areas covered by the mandate of the Special Rapporteur;

6. Encourages Governments and national and international organizations to ensure a wide dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

7. Recognizes the important role the media can play in collecting and disseminating information on children's rights, in particular in the areas covered by the mandate of the Special Rapporteur;

8. Emphasizes the importance of ensuring the training on children's rights of those who are involved in actions concerning children, in particular the judiciary and law enforcement officials, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations through the programme of advisory services in the field of human rights;

9. Encourages Governments and national and international educational organizations, including the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

10. Recognizes the importance of promoting the adoption by the business sector of a code of conduct for child protection with a view to preventing and eliminating the sale of children, child prostitution and child pornography;

11. Reaffirms the need for strengthening and ensuring the effective implementation of a legal framework aimed at effectively protecting children's rights, as well as at providing appropriate remedies for children whose rights have been violated;

12. Encourages the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of the child in the light of his or her best interests;

13. Encourages Governments, national police and other law enforcement authorities to work closely with the International Criminal Police Organization to identify cases relevant to the Special Rapporteur's mandate and to ensure that effective action is taken to prevent and remedy criminal and other acts which give rise to child abuse and exploitation;

14. Endorses the recommendation of the Special Rapporteur that States should establish a national focal point to coordinate action on children's rights, including in the field of the sale of children, child prostitution and child pornography;

15. Encourages States to consider raising the age of recruitment to eighteen and prohibit the use of child soldiers;

16. Takes note with appreciation of the information provided by the Special Rapporteur on these areas as well as on the methods of work he has established;

17. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay particular attention to areas which are still insufficiently documented and to set priorities of short and medium term in his recommendations to the Commission;

18. Also requests the Special Rapporteur, in carrying out his mandate, to continue to seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;

19. Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery as well as with other competent United Nations bodies dealing with questions covered by his mandate, including the Commission on Crime Prevention and Criminal Justice, and to this effect invites him to participate at the next sessions of those bodies;

20. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested, including by inviting the Special Rapporteur to undertake country field visits;

21. Expresses its thanks to the Governments which have invited the Special Rapporteur to visit their countries and asks them to give all necessary attention to his recommendations and to inform him of any action taken thereon;

22. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur in the full discharge of his mandate and in order to enable him to submit his report to the Commission at its fiftieth session.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/83. Effects of armed conflicts on children's lives

The Commission on Human Rights,

Welcoming the promptness with which a large number of States have ratified the Convention on the Rights of the Child, which is evidence of unprecedented mobilization by the international community,

Noting in particular the fundamental importance of every child's inherent right to life, as recognized in article 6 of the Convention,

Reaffirming that this right is to be applied especially in times of armed conflict, when children's lives and physical integrity are particularly threatened,

Noting with interest that the Committee on the Rights of the Child, at its second session, decided to hold its first general discussion on the situation of children in armed conflicts (see CRC/C/10), thereby acknowledging the fundamental importance of this issue for the promotion and protection of children's rights and the role of the Convention in this regard,

Noting with consternation the very large number of innocent civilians who continue to be the victims of all forms of armed conflicts now taking place in the world,

Deploring the continued practice of enlisting children in the armed forces,

Deeply concerned at the alarming figures for deaths and serious injuries entailing life-long disability among children in areas of conflict, Alarmed at the information that some particularly injurious weapons, especially anti-personnel mines, continue to strike long after conflicts have ended,

Noting with distress that children are often among the main victims of such weapons, and especially of anti-personnel mines,

Fully aware in this respect of the importance of operations for the effective detection, clearance and destruction of unremoved mines, operations that cannot be conducted without resources or special skills, and anxious to promote international cooperation in this field,

Noting the commitments entered into by States in fields pertaining to humanitarian law, and particularly the Geneva Conventions of 12 August 1949 and their Additional Protocols,

Recalling that, on the basis both of international humanitarian law and of the provisions of the Convention on the Rights of the Child, States must take all possible measures to ensure special protection and suitable care and the physical and psychological recovery, as well as the social reintegration, of children affected by an armed conflict,

Recalling also in this regard the specific commitments entered into by States that have ratified the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and particularly Protocol II, on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, and calling on States to consider ratifying these instruments,

1. Expresses its deep concern and indignation at the serious consequences of armed conflicts for children, directly or indirectly involved, who are often among the main victims of the indiscriminate use of anti-personnel mines;

2. Expresses its gratitude to the Committee on the Rights of the Child for the views expressed at its second session on the issue of children in armed conflicts, in particular on the need to strengthen preventive measures and to implement effective protection for children, and notes the recommendations made by the Committee at its third session on means of improving the protection of children from the adverse effects of armed conflicts (see CRC/C/16), including the recommendation made to the General Assembly to undertake a study in the light of article 45 (c) of the Convention;

3. Expresses its gratitude to the International Committee of the Red Cross for its efforts to foster awareness of the issue of anti-personnel mines;

4. Encourages efforts to promote international cooperation to assist in the detection and clearance of unremoved mines;

5. *Requests* all States to render full support to prevention of the indiscriminate use of anti-personnel mines and to protection and assistance for the victims;

6. *Invites* the relevant organizations of the United Nations system as well as other intergovernmental organizations to intensify their efforts to ensure that all possible assistance is given to child victims of anti-personnel mines, who are often disabled for life, with a view to their physical and psychological recovery and social reintegration, and also to support to this end the activities of non-governmental organizations in the field.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/84. *Conscientious objection to military service*

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

Bearing in mind that it is recognized in the International Covenant on Civil and Political Rights that everyone has the right to freedom of thought, conscience and religion,

Recalling its resolution 1989/59 of 8 March 1989, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion,

Bearing in mind General Assembly resolutions 34/151 of 17 December 1979, in which the Assembly designated 1985 as "International Youth Year: Participation, Development, Peace", 2037 (XX) of 7 December 1965, in which the Assembly stated that young people should be brought up with an understanding, and in the spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968,

Recalling its own resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on grounds of conscience,

Noting the important role of youth in the promotion of international peace and cooperation as well as of human rights and fundamental freedoms, Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid and called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Recalling the comprehensive report on the question of conscientious objection to military service, containing conclusions and recommendations, submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session by Mr. Asbjorn Eide and Mr. C.L.C. Mubanga-Chipoya (United Nations publication, Sales No. E.85.XIV.1), which reflects the relevant international norms and standards embodied in various human rights instruments and describes State practice concerning voluntary or compulsory performance of military service, and the report of the Secretary-General (E/CN.4/1985/25 and Add.1-4) containing the comments of Governments, United Nations bodies and non-governmental organizations on that report,

Noting the developments concerning conscientious objection to military service on a regional level,

Taking into consideration that, although in some States no provision is made in the domestic legislation concerning the recognition of conscientious objection to military service, in practice such States provide for non-combatant service within the military framework and sometimes for alternative civilian service,

Recalling its resolution 1991/65 of 6 March 1991, in which it requested the Secretary-General to report to the Commission on the matter at its forty-ninth session,

Having considered the report of the Secretary-General (E/CN.4/1993/68 and Add.1-3), and thanking those Governments that provided comments to the Secretary-General,

Noting the final report on human rights and youth submitted by the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1992/36), which draws attention to the continuing need for provision for conscientious objection to military service in many countries,

Aware that persons performing military service may develop conscientious objections,

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ethical or similar motives,

1. _Draws attention to_ the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights;

2. _Affirms_ that persons performing compulsory military service should not be excluded from the right to have conscientious objections to military service;

3. _Recognizes_ the fact that there exists various domestic legislation concerning conscientious objection to military service;

4. _Appeals_ to States, if they have not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service;

5. _Reminds_ States with a system of compulsory military service where such provision has not already been made of its recommendation that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting conscientious objectors to imprisonment;

6. _Emphasizes_ that such forms of alternative service should be of a non-combatant or civilian character, in the public interest and not of a punitive nature;

7. _Appeals_ to Member States, if they have not already done so, to establish within the framework of their national legal system independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case;

8. _Affirms_ the importance of the availability of information about the right to conscientious objection to military service and the means of acquiring conscientious objector status to all relevant persons affected by military service;

9. _Requests_ the Secretary-General to transmit the text of the present resolution to all States Members of the United Nations and to include the right of conscientious objection to military service in the public information activities of the United Nations;

10. _Also requests_ the Secretary-General to report to the Commission at its fifty-first session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him;

11. Decides to consider this matter further at its fifty-first session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXVI.]

1993/85. Assistance to Georgia in the field of human rights

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Aware of its responsibility to promote and protect human rights and fundamental freedoms for all,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the programme of advisory services in the field of human rights, and its own resolution 1992/80 of 5 March 1992,

Concerned at the serious situation which gives rise to violations of human rights and fundamental freedoms of inhabitants of Georgia, including Abkhazia,

Noting with appreciation the efforts within the United Nations system in carrying out missions in Georgia,

Noting also with appreciation the efforts of the personal representative of the Chairman-in-office of the Conference on Security and Cooperation in Europe and his missions in the regions of South Ossetia and Abkhazia, and aware of the desirability of close coordination of all the efforts involved,

1. Recognizes the efforts made by the Government of Georgia to secure full enjoyment of human rights and fundamental freedoms for all its inhabitants;

2. Urges the Government of Georgia and the authorities in Abkhazia to intensify efforts to ensure that the human rights and fundamental freedoms of all inhabitants of Georgia are fully respected, *inter alia* by all security forces;

3. Welcomes the progressive trend of democratization set by the Government of Georgia;

4. Encourages the Government of Georgia to continue this process of democratization, including elections, and to guarantee and ensure the full enjoyment of human rights to all inhabitants of Georgia;

5. Appeals to the Government of Georgia to develop further legal and institutional measures to put an end to violence, including measures to terminate the existence of illegal paramilitary groups;

6. Welcomes the interest expressed by the Government of Georgia for support and technical assistance in the field of human rights, including the drafting of legal instruments, constitutional provisions for persons belonging to minorities and assistance in national elections;

7. Requests the Secretary-General to evaluate the needs for such support and technical assistance to the Government of Georgia through the provision of advisory services aimed at furthering legislation in constitutional and institutional matters and at providing national and local institutions with the necessary expertise to implement the international standards in the field of human rights, including the rights of persons belonging to minorities, in close contact with the Government and the citizens of Georgia;

8. Decides to examine the question again at its fiftieth session.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXI.]

1993/86. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by principles embodied in the Charter of the United Nations, the International Bill of Human Rights and other applicable human rights instruments,

Aware of the prevailing tragic circumstances in Somalia, particularly the lack of governmental authority and the resulting need for special measures to assure protection of human rights,

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, humanitarian organizations and non-governmental organizations, as well as those of Governments,

Expressing its grave concern at attacks against the personnel of relief and other humanitarian organizations in Somalia, sometimes resulting in serious injuries or deaths,

Recalling Security Council resolutions 733 (1992) of 21 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992 and 794 (1992) of 3 December 1992, as well as related Security Council actions, General Assembly resolution 47/167 of 18 December 1992 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/11 of 26 August 1992, Recognizing the right of the Somali people to take part in the governance of their country directly or through freely chosen representatives, including the right of equal access to public service,

Mindful that United Nations peace-keeping, peace-making and peace-building activities in some countries have benefited from human rights units that could be established within similar United Nations activities elsewhere,

Recognizing the constraints on the financial resources of the Centre for Human Rights,

1. Requests the Secretary-General to appoint for a period of one year a person having wide experience in the field of human rights as an independent expert, in his or her individual capacity, to assist the Special Representative of the Secretary-General for Somalia through development of a long-term programme of advisory services for re-establishing human rights and the rule of law, including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot;

2. Also requests the Secretary-General to give priority to implementing the programme recommended by the independent expert, as conditions in Somalia permit, including through the programme of advisory services of the Centre for Human Rights, in close cooperation with the Special Representative of the Secretary-General for Somalia, the United Nations peace-keeping operation in Somalia and other United Nations entities, such as the Electoral Assistance Unit, as well as humanitarian and non-governmental organizations;

3. Urges the Secretary-General to consider recommending the establishment of a unit within the United Nations operation in Somalia to assist in the promotion and protection of human rights and in encouraging respect for humanitarian law, as well as in the implementation of the recommendations of the independent expert;

4. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the activities of the independent expert and the Centre for Human Rights in implementing the present resolution;

5. Invites Governments and organizations in a position to do so to respond positively to requests for assistance by the Secretary-General under the present resolution;

6. Requests the independent expert to submit for consideration to the General Assembly at its forty-eighth session, to the Commission on Human Rights at its fiftieth session and, if needed, to the Economic and Social Council at its substantive session of 1994 a report on the conditions in Somalia and the implementation of the present resolution;

7. Decides to consider the question at its fiftieth session under the agenda item "Advisory services in the field of human rights".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXI.]

1993/87. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, renamed Voluntary Fund for Technical Cooperation in the Field of Human Rights by Commission resolution 1991/49 of 5 March 1991,

Recalling its latest resolution on the subject, 1992/80 of 5 March 1992,

Taking note of the relevant provisions of resolutions adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, inter alia resolution 1991/35 of 29 August 1991, and of recommendations made in reports submitted to the Sub-Commission, inter alia, the report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1991/30 and Add.1-4) concerning advisory services,

Convinced of the need for the Secretary-General to intensify efforts to coordinate system-wide advisory services and technical assistance in the field of human rights through flexible inter-agency collaboration,

Convinced also of the need for the Centre for Human Rights to assume the functions of a focal point and clearing-house for inter-agency coordination with other organizations of the United Nations system,

Reaffirming that within the common context of the comprehensive programme of advisory services and technical cooperation, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to ensuring the rule of law and to enabling them to develop the necessary mechanisms to meet international human rights standards, _Noting also_ that the Centre for Human Rights, in executing projects under the Voluntary Fund, gives priority to activities aimed at building up or strengthening national and regional institutions and infrastructures in the field of human rights,

Reaffirming that advisory services and technical cooperation activities may be a complement to, but never a substitute for, monitoring and investigative activities by the United Nations, as underlined in the report of the Secretary-General (E/CN.4/1992/49),

Welcoming increased cooperation and consultation within the Centre for Human Rights in assisting the Secretary-General to deal with requests submitted by Governments,

Convinced that the Centre for Human Rights needs clear criteria and methods of assessment, following the example of project guidelines which have been drawn up in conformity with approved practices of the United Nations Development Programme, in dealing with requests submitted by Governments,

Convinced also of the need for the Secretary-General to ensure that the introduction of up-to-date data-processing into the management of both the programme of advisory services and the Voluntary Fund is compatible with the information system development plans of the Centre for Human Rights and other relevant United Nations organizations,

Considering it advisable for the Secretary-General to give wide publicity to the possibilities that exist under the programme of advisory services and under the Voluntary Fund for providing technical cooperation in the field of human rights to Governments, at their request, for example through the production and dissemination of an information brochure,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1993/61 and Corr.1 and Add.1 and 2),

I. ACTIVITIES UNDER THE REGULAR BUDGET OF THE UNITED NATIONS

1. _Reaffirms_ that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

2. _Invites_ competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Rights of the Child, to continue to make suggestions and proposals for the implementation of advisory services;

3. Requests the Secretary-General to give special attention to proposals made by United Nations human rights treaty bodies, special representatives and special rapporteurs, as well as working groups, and to report on follow-up activities undertaken as a result of such proposals;

4. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

5. Encourages Governments in need of advisory services in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example, for drafting basic legal texts in conformity with international conventions on human rights;

6. Welcomes the increasing number of requests from Governments for advisory services in these areas;

7. Appeals to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national and regional level for appropriate government personnel on the full and effective application of international human rights standards;

8. Calls upon the Secretary-General to implement all activities under the programme of advisory services on the basis of clearly defined objectives and themes, taking into account the precise needs of the beneficiaries, as well as to follow up and evaluate them;

9. Requests the Secretary-General again to provide as a matter of urgency and in line with his report on the work of the Organization for 1992 (A/47/1), in which he stated, inter alia, that "the Charter of the United Nations places the promotion of human rights as one of our priority objectives", more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources and particularly from section 07 of the regular budget concerning technical cooperation, in order to meet the substantially increased demand, in particular for training activities, such as fellowships, which have proven to be useful in raising awareness of human rights in all sectors of civil society and government, and the provision of expert services emanating from the mandates and recommendations of the Commission on Human Rights, competent human rights treaty bodies, special representatives, special rapporteurs, independent experts and working groups, as well as from requests by Governments;

10. Also requests the Secretary-General to pursue his efforts towards a comprehensive plan for advisory services and technical cooperation in the field of human rights, taking into account the comments and views expressed by Governments at the forty-eighth session of the Commission on Human Rights;

II. ACTIVITIES UNDER THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

11. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to Governments and non-governmental organizations for their contributions, and invites other Governments and non-governmental organizations to consider contributing;

12. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improved implementation of international conventions and other international standards on human rights;

13. Welcomes the new global approach and the new policy developed by the Centre for Human Rights to address the specific demands of a requesting Government by carrying out a comprehensive needs assessment and developing an overall programme containing specific projects aimed at strengthening the human rights infrastructure of a country;

14. Encourages the Secretary-General to pay due attention to the particular needs of developing countries from all regions with a view to implementing the new global approach as outlined in the report of the Secretary-General (E/CN.4/1993/61, sect. I.C);

15. Underlines that any assistance through technical cooperation in the field of human rights under the Voluntary Fund has to be well prepared, and that there should be a regular follow-up between the involved national bodies and the Centre for Human Rights, to be reflected in the report of the Secretary-General;

16. Encourages the Secretary-General and the Centre for Human Rights to participate actively in the formulation of projects regarding technical cooperation in the field of human rights, in close consultation with the Governments concerned, taking into account relevant suggestions made by human rights treaty bodies, special rapporteurs and non-governmental organizations and efforts for wider cooperation at the regional level;

17. Takes note of the document annexed to the report of the Secretary-General (E/CN.4/1993/61, annex III), entitled "The role of boards of trustees in human rights assistance funds";

18. Requests the Secretary-General to appoint a board of trustees for the Voluntary Fund for Technical Cooperation, composed of five persons with wide experience in the field of human rights and in technical cooperation, acting in their personal capacity and selected in order to guarantee a broad scope of criteria and backgrounds with due regard to equitable geographic distribution, to advise the Secretary-General on the administration and operation of the Voluntary Fund;

19. Requests the Board of Trustees to assist the Secretary-General in particular in streamlining and rationalizing the working methods and procedures of the Voluntary Fund, including developing long-term policy guidelines, reviewing specific projects, reviewing all financial aspects of the Voluntary Fund with regard to transparency and accountability, relations and cooperation with other organizations with regard to project evaluation and follow-up, reviewing implementation of decisions of the Board of Trustees and reporting;

20. Also requests the Board of Trustees to promote and solicit contributions and pledges to the Voluntary Fund,

21. Requests the Secretary-General to include the report of the Board of Trustees on their activities in his annual report to the Commission on Human Rights on advisory services and technical cooperation;

22. Decides to review the arrangements of the Board of Trustees after a period of three years, taking into account comments by the Secretary-General in his future reports;

23. Invites the Centre for Human Rights to consider developing model projects for legal protection and the strengthening of the independence of the judiciary as part of the core activities of the Voluntary Fund, bearing in mind the need to adapt these projects to the particular needs of developing countries in all regions;

24. Also invites the Centre for Human Rights to give special attention to strengthening the capacity of national and regional institutions to collect and disseminate information on human rights and establish common practices for cooperation with the United Nations in this area;

25. Encourages Governments to seek contact and to cooperate with non-governmental human rights organizations in formulating and implementing programmes under the Voluntary Fund;

26. Requests the Secretary-General, with the assistance of the Board of Trustees, to guarantee transparency of the criteria applied and of the rules of procedure to be followed in carrying out technical cooperation in the field of human rights;

III. SYSTEM-WIDE COOPERATION

27. Requests the Secretary-General to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, such as the Centre for Social Development and Humanitarian Affairs, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Institute for Training and Research, the Office of the United Nations High Commissioner for Refugees, the United Nations Interregional Crime and Justice Research Institute, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank;

28. Also requests the Secretary-General to bring the need for further technical cooperation in the legal field that has been indicated by a number of States to the attention of the United Nations bodies and the specialized agencies that are active in providing assistance in the field of development with a view to promoting human rights in the development strategies and policies of the United Nations system;

29. Encourages, in this regard, the Secretary-General to explore fully the possibilities for a system-wide use of model projects for legal protection and the independence of the judiciary to be developed by the Centre for Human Rights;

30. Also encourages the cooperation between the Centre for Human Rights and the United Nations Development Programme, and the leadership of both organizations to enhance further coordination and cooperation between them, in particular with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the overall country programmes of the United Nations Development Programme and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the United Nations Development Programme;

31. Requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical assistance in the field of human rights and, in a distinct part of his annual report, on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXI.]

1993/88. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1992/78 of 5 March 1992,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/18 of 27 August 1992, Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46),

Having considered also the report of the independent expert, Mr. Christian Tomuschat (E/CN.4/1993/10 and Corr.1), and studied the conclusions and recommendations contained therein,

Deeply concerned by the fact that, according to the independent expert, human rights violations are still occurring in Guatemala, particularly crimes against the lives and physical integrity of individuals,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the recent legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing the full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned by the fact that, according to the information provided by the independent expert, there continue to be human rights violations attributed to members of the armed forces and to the so-called voluntary civil self-defence committees, particularly in rural areas,

Concerned also by the fact that situations of impunity continue to exist and that in cases of human rights violations there has been no progress in the investigations and/or judicial proceedings,

Concerned further at the situation of the displaced population in the areas affected by the internal armed conflict,

Taking note of the award of the 1992 Nobel Peace Prize to Ms. Rigoberta Menchú,

Regretting the serious human rights violations still being committed against the indigenous populations in Guatemala,

Considering that the economic and social situation continues to have serious consequences for the most vulnerable sectors of Guatemalan society, particularly the indigenous populations, women and children,

Taking note with satisfaction of the process of repatriation of refugees that was initiated at the beginning of this year, and recognizing the efforts of the Ad Hoc Committee for Aid to Returnees and the National Fund for Peace,

Expressing the hope that the will shown by the Government and by the Unidad Revolucionaria Nacional Guatemalteca will lead to a prompt settlement of the internal armed conflict, through the conclusion of the negotiations in the near future and the signing of the human rights agreement, with immediate international verification, which alone can lead to respect for the human rights of the whole of the Guatemalan people, Taking note of the Government's initiative in accelerating the process of negotiation and of the proposal by the Unidad Revolucionaria Nacional Guatemalteca,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government of Guatemala to that end,

1. Takes note with appreciation of the report submitted by the independent expert;

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert;

3. Recognizes the efforts made by the President, Mr. Jorge Serrano Elías, to improve the human rights situation;

4. Regrets the fact that, despite the undertaking by the Government of Guatemala to guarantee full enjoyment of human rights and fundamental freedoms, serious violations continue to occur, particularly crimes against the lives and physical integrity of individuals;

5. Urges both parties to respect the rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans, who are not involved in this conflict;

6. Urges the Government of Guatemala to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights, and to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and the relatives of victims;

7. Again exhorts the Government of Guatemala to continue to apply the independent expert's recommendations, including the abolition of the system of civil self-defence committees and other paramilitary groups, in the light, *inter alia*, of the development of the peace negotiations;

8. Appeals to the Government of Guatemala to intensify its efforts to ensure that all its authorities and the armed and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

9. Again exhorts the Government of Guatemala to expedite and further develop legal and institutional reforms to put an end to the violence and impunity, paying particular attention to the situation of the indigenous population and the special situation of street children;

10. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and encourages the Government to give him support and to guarantee the conditions for the strengthening of his activities;

11. Welcomes the establishment of the Presidential Coordinating Commission on Executive Policy in the Field of Human Rights and the independent expert's recommendation that that Commission should be the focal point for the coordination of the Government's efforts to comply with its international obligations in the field of human rights;

12. Expresses its satisfaction at the initiation of the process of repatriation of refugees and appeals to the competent authorities to guarantee that this process continues with full consideration for the well-being and dignity of all persons concerned;

13. Invites the Government of Guatemala to give priority also to economic and social development programmes and to strengthen policies and programmes concerning the indigenous population of Guatemala, taking into account their proposals and aspirations, together with the independent expert's recommendations on the subject;

14. Welcomes the talks between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, which were resumed on 23 February 1993 with the mediation of the Conciliator and the Representative of the Secretary-General;

15. Expresses the hope that these talks will lead to a reactivation of the comprehensive process of peace negotiations;

16. Urges both parties, as part of this process, to conclude and apply without delay the human rights agreement, with the corresponding machinery for international verification;

17. Requests the Secretary-General to continue to provide the Government of Guatemala and non-governmental organizations with advisory services in the field of human rights;

18. Also requests the Secretary-General to extend the mandate of the independent expert so that he may continue to examine the situation of human rights in Guatemala and provide assistance to the Government in the field of human rights and submit to the Commission at its fiftieth session a report assessing the measures taken by the Government in accordance with the recommendations made to it;

19. Decides to consider the question at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item "Advisory services in

the field of human rights", in the light of the adoption and application of specific and significant measures by the Government, the effectiveness of which will be assessed in the report of the independent expert on the situation of human rights in Guatemala.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXI.]

1993/89. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling General Assembly resolution 45/158 of 18 December 1990, in which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling that the General Assembly, in its resolution 47/110 of 16 December 1992, requested the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the status of the Convention,

Recalling its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on, and promoting, the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

1. _Takes note_ of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1993/51);

2. _Urges_ all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

3. _Requests_ the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

4. _Invites_ specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and to promoting understanding thereof;

5. _Requests_ the Secretary-General to submit to the Commission on Human Rights at its fiftieth session a report on the status of the Convention;

6. _Decides_ to include in the provisional agenda for the fiftieth session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XIII.]

1993/90. _Movement and dumping of toxic and dangerous products and wastes_

The Commission on Human Rights,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990 and 1991/47 of 5 March 1991,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991,

Recalling further resolutions CM/Res.1153 (XLVIII) of 1988 and CM/Res.1225 (L) of 1989 adopted by the Council of Ministers of the Organization of African Unity concerning the dumping of nuclear and industrial wastes in Africa,

Bearing in mind the Bamako Convention on the Ban of the Import of All Forms of Hazardous Wastes into Africa and the Control of Transboundary Movements of Such Wastes Generated in Africa, adopted by the Organization of African Unity Pan-African Conference on Environment and Sustainable Development in Africa, held at Bamako from 23 to 30 January 1991, *Taking note* of resolution GC(XXXIII)/RES/509 on the dumping of nuclear wastes and resolution GC(XXXIV)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste, adopted on 29 September 1989 and 21 September 1990 respectively by the General Conference of the International Atomic Energy Agency, and the decision of the General Conference to keep the question of the international transboundary movements of radioactive waste under active review, including the desirability of concluding a legally binding instrument under the auspices of the International Atomic Energy Agency,

Taking into account Agenda 21 adopted by the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992 (A/CONF.151/26, vol. II), especially chapters 19, 20, 21 and 22 related to environmentally sound management of toxic chemicals and hazardous, solid and radioactive wastes, including prevention of illegal international traffic in toxic products and hazardous wastes, and the principles proclaimed in the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I),

Taking note of the Final Act of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted on 22 March 1989,

Aware of the growing practice of the dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes which they cannot dispose of within their territories of operation,

Aware also of the potential health and ecological hazards underlying the movement and dumping of toxic and dangerous products and wastes,

Gravely concerned at the recently reported illegal disposal of hazardous and harmful wastes in Africa,

Desirous of promoting the implementation and strict observance of the provisions of existing international instruments and principles governing the transboundary movement and dumping of toxic and dangerous products and wastes,

1. *Welcomes* the Final Declaration adopted at Tunis by the Regional Meeting for Africa of the World Conference on Human Rights (A/CONF.157/AFRM/14-A/CONF.157/PC/57, chap. I), especially where it relates to the environmental consequences of the dumping of toxic and dangerous products and wastes, and its effects to human life;

2. *Reaffirms* the request made by the First Meeting of the Conference of the Parties to the Basel Convention in its decision I/20 to the industrialized countries to prohibit the export of hazardous and other wastes to parties which have prohibited their import and to non-parties;

3. *Invites* all Governments to take legislative and other appropriate measures with a view to preventing illegal international traffic in toxic and dangerous products;

4. *Invites* the United Nations Environment Programme, the International Labour Organisation, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals, including the question of their transboundary movement;

5. *Urges* the international community to give the necessary support to African and other developing countries in their efforts to implement the provisions of the existing international and regional instruments governing the transboundary movement and dumping of toxic and dangerous products and wastes;

6. *Decides* to continue consideration of the question of the movement and dumping of toxic and dangerous products and wastes, including prevention of illegal traffic, at its fifty-first session under the agenda item "Human rights and scientific and technological developments".

67th meeting
10 March 1993
[Adopted by a roll-call vote of 34 to 1, with 17 abstentions. See chap. XIV.]

1993/91. *Human rights and bioethics*

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation, *Recalling also* the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence,

Aware of the rapid development of the life sciences and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection its resolution 1991/45 of 5 March 1991 entitled "Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms",

Referring to Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1992/104 of 14 August 1992 regarding this question,

Recognizing the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Convinced of the need to develop a life sciences ethic at the national and international levels,

1. *Invites* Governments, the specialized agencies and other organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and other intergovernmental, particularly regional, organizations and non-governmental organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences develop in a manner respectful of human rights;

2. *Invites* States to inform the Secretary-General of legislative or other measures taken to this effect, including the possible establishment of national consultative bodies, with a view to promoting exchanges of experience between such institutions;

3. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the agenda item "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and to make recommendations to that effect;

4. Requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at the fifty-first session.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XIV.]

1993/92. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1992/82 of 6 March 1992, in which it authorized further meetings of the working group and noted the progress it had achieved,

Conscious of the importance of taking into account the opinions of all States and of interested intergovernmental and non-governmental organizations, before finalizing the draft declaration,

Noting with satisfaction the progress made by the open-ended working group during its meetings prior to and during the forty-ninth session of the Commission,

1. Takes note of the report of the working group (E/CN.4/1993/64);

2. Urges the working group to make every effort to complete its task and submit the draft declaration to the Commission at its fiftieth session;

3. Requests the Secretary-General to circulate the report, including the first reading text, to the Governments of all States Members of the United Nations and members of competent specialized agencies, and to interested intergovernmental and non-governmental organizations, with an invitation to submit written comments on the first reading text (E/CN.4/1993/64, annex I) for consideration by the working group at its next session;

4. Decides to continue at its fiftieth session its work on the elaboration of the draft declaration;

5. Also decides to make available appropriate meeting time for the working group prior to and during the fiftieth session of the Commission;

6. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIII.]

1993/93. Human rights in El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling General Assembly resolution 47/140 of 18 December 1992,

Recalling also its resolution 1992/62 of 3 March 1992, in which it emphasized that the Peace Agreements are an historic event of supreme importance to El Salvador,

Having considered the report of the independent expert (E/CN.4/1993/11),

Emphasizing the extraordinary significance of the fact that the war has ended and that the achievement of peace is seen as irreversible,

Convinced that the Peace Agreements concluded on 16 January 1992 at Chapultepec, Mexico, between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional reflect a profound national aspiration for peace and justice, and that scrupulous compliance therewith will not only permit an end to the armed conflict through political means but also lay the bases for major political, legal, economic and social changes involving all sectors of the country in building a democratic society working for a common cause, and will be conducive to national reconciliation,

Welcoming the significant progress so far achieved in implementing the Peace Agreements, and stressing that it is important for the parties to make the utmost effort to comply fully therewith,

Noting with satisfaction the cessation of hostilities and the integration of the Frente Farabundo Martí para la Liberación Nacional as a political party into the civil and institutional life of the country,

Welcoming the signing on 17 February 1993 of the agreements and principles of the Forum for Economic and Social Consultation proposed in the Peace Agreements, Recognizing that the work of the Secretary-General of the United Nations and his representatives and the monitoring carried out by the United Nations Observer Mission in El Salvador have contributed significantly to understanding between the parties and to progress in the fulfilment of the commitments made,

Considering that the Governments which make up the Group of Friends of the Secretary-General have reiterated their determination to continue to support the work of the Secretary-General until the full and comprehensive implementation of all the Peace Agreements is achieved in El Salvador,

Aware that the international community must follow closely and continue to support all efforts to consolidate peace, ensure respect for human rights and undertake the reconstruction of El Salvador,

Considering that a commitment was made to implement the recommendations of the Human Rights Division of the United Nations Observer Mission in El Salvador, the Ad Hoc Commission and the Commission on the Truth, and that to date the recommendations of the first two bodies have not been put fully into effect,

Observing that the cessation of the armed conflict has itself eliminated an important source of violations of human dignity and has established a more suitable setting for harmonious relations and mutual respect for the rights of every person, but has not been sufficient to prevent the occurrence, albeit to a lesser degree, of violations of those rights which, unless punished and eliminated as soon as possible, could cause a recurrence of situations of increased human rights violations since the resources available to civil society with which to combat them are still scant,

Emphasizing that the effective protection of human rights calls for the strengthening of the judicial system and of the Office of the National Counsel for the Defence of Human Rights and compliance by the National Civil Police with the stipulations contained in the Peace Agreements, with the support of the international community,

Emphasizing the desire expressed by the Government of El Salvador to continue to collaborate with the work of the Commission on Human Rights,

1. Commends the independent expert for his work and thanks him for the report submitted in accordance with his terms of reference;

2. Expresses its profound satisfaction and gratitude to El Salvador for the signal importance of the ending of the armed conflict and its positive impact on the observance of human rights;

3. Welcomes the integration of the Frente Farabundo Martí para la Liberación Nacional into the civil life of the country;

4. Expresses its concern at the continued reports of violations of human rights, making it necessary for there to be greater efforts to ensure their full observance;

5. _Urges_ the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to carry out fully the remaining agreements, together with the recommendations made by the United Nations Observer Mission in El Salvador and by the Ad Hoc Commission and those to be produced in due course by the Commission on the Truth;

6. _Reiterates its appeal_ to all States to contribute to the consolidation of peace in El Salvador by supporting full compliance with the Peace Agreements and generously financing their implementation and the implementation of the National Reconstruction Plan;

7. _Endorses_ all the recommendations made by the independent expert in his report, especially those aimed at strengthening the Office of the National Council for the Defence of Human Rights, setting up and developing the National Civil Police in accordance with the model that resulted from the Peace Agreements and carrying out the agreed reform of the judicial system;

8. _Requests_ the Secretary-General to extend for one year the mandate of the independent expert to report on human rights developments in El Salvador, providing the assistance required by the Government in this field;

9. _Requests_ the independent expert to report to the Commission on Human Rights at its fiftieth session on the action taken to give effect to the present resolution;

10. _Decides_ to consider this matter at its fiftieth session under the relevant agenda item in the light of the independent expert's report, it being understood that if there is a substantial improvement it will be considered under the agenda item "Advisory services in the field of human rights".

67th meeting
10 March 1993
[Adopted without a vote. See chap. III.]

1993/94. _Documentation and appointments_

A

Documentation

The Commission on Human Rights,

Recalling General Assembly resolutions 37/14 C of 16 November 1982 and 47/202 B of 22 December 1992,

Aware of increasingly severe difficulties regarding timely distribution of documents of the Commission on Human Rights, Noting that pre-session distribution of substantive reports, including, in particular, those of the special representatives, special rapporteurs, independent experts and thematic working groups, is necessary to allow thorough, meaningful and reliable consideration by members of the Commission,

Bearing in mind that excessive length of reports is a significant problem in the timely distribution of documents as they generally exceed the desirable thirty-two-page limit established by the relevant United Nations resolutions,

1. Decides that all reports submitted to the Commission on Human Rights should follow the standards and guidelines established by the General Assembly and that they should, as much as possible, not exceed the desirable thirty-two-page limit;

2. Requests the secretariat to do its utmost to ensure that substantive documents, in particular the reports of the special representatives, special rapporteurs, independent experts and thematic working groups, are distributed in all official languages no less than six weeks before the consideration of the respective agenda item by the Commission;

3. Requests the special representatives, special rapporteurs and independent experts of the Commission to do their utmost to submit their reports in time to enable the secretariat to meet the objectives set out in the present resolution;

4. Encourages countries which extend invitations to special representatives, special rapporteurs, independent experts and thematic working groups to take into account the contents of the present resolution;

5. Requests the Secretary-General to enable the Centre for Human Rights to undertake these functions by ensuring that sufficient resources are accorded to the Centre for Human Rights;

6. Decides, in order to facilitate the timely distribution of documents, to authorize all special representatives, special rapporteurs, independent experts and thematic working groups to begin work immediately upon the initiation or extension of their mandates by the Commission, on the understanding that if the Economic and Social Council does not approve the initiation or extension of a mandate by the Commission, work on that particular mandate shall cease;

7. Decides to keep the matter under review at its fiftieth session.

68th meeting
11 March 1993
[Adopted without a vote. See chap. XI.]

B

Appointments of special representatives, special rapporteurs and independent experts

The Commission on Human Rights,

Affirming that the paramount consideration in the appointment of special representatives, special rapporteurs and independent experts of the Commission shall be the necessity of securing the highest standards of efficiency, competence and integrity and that due regard shall be paid to the importance of making such appointments on as wide a geographical basis as possible,

Noting the present geographical imbalance in the appointments of special representatives, special rapporteurs and independent experts of the Commission and the desirability of redressing that situation,

1. Requests the Chairman of the Commission, in consultation with the Bureau, to do the utmost to ensure that while considering appointments of special representatives, special rapporteurs and independent experts of the Commission on the basis of the above-mentioned considerations due regard is paid to the appointments being made on as wide a geographical basis as possible so that the present geographical imbalance is redressed;

2. Decides to review the implementation of the present resolution at its fiftieth session on the basis of a report by the Chairman of the Commission.

68th meeting
11 March 1993
[Adopted without a vote. See chap. XI.]

1993/95. Internally displaced persons

The Commission on Human Rights,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Recalling the relevant norms of international human rights instruments as well as of international humanitarian law,

Deeply disturbed by the large number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

Recognizing that internally displaced persons are in need of relief assistance and protection,

Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons, Aware of the absence of a focal point within the United Nations system to gather information on the situation of internally displaced persons and also of the absence of a funding mechanism,

Recalling its resolution 1992/73 of 5 March 1992, in which it requested the Secretary-General to designate a representative to seek again views and information from all Governments on the human rights issues related to internally displaced persons, including an examination of existing international human rights, humanitarian and refugee law and standards and their applicability to the protection of and relief assistance to internally displaced persons,

Noting with appreciation the efforts undertaken by the representative of the Secretary-General to prepare the study, in implementation of his mandate in the short time available to him,

Welcoming the active participation of the representative of the Secretary-General in the missions of the Special Rapporteur on the situation of human rights in the former Yugoslavia,

Noting that the representative of the Secretary-General has identified a number of tasks requiring further attention and study, including the compilation of existing rules and norms and the question of general guiding principles to govern the treatment of internally displaced persons, in particular their protection and the provision of relief assistance, and also noting his suggestions and recommendations, including those relating to vulnerable groups, particularly women and children,

1. Takes note with appreciation of the comprehensive study contained in the annex to the note by the Secretary-General (E/CN.4/1993/35) and of the useful suggestions and recommendations contained therein;

2. Commends the representative of the Secretary-General for his study and for the way he has started to discharge his mandate;

3. Expresses its appreciation to Governments, in particular those which enabled the representative to undertake on-site visits, as well as to bodies, programmes and organizations of the United Nations system and to intergovernmental and non-governmental organizations for the cooperation extended to the representative of the Secretary-General;

4. Requests the Secretary-General to mandate his representative for a period of two years to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions, with a view to identifying, where required, ways and means of improving protection for and assistance to internally displaced persons;

5. Encourages the representative of the Secretary-General to intensify in this regard his dialogue with Governments and to cooperate and coordinate

with the Department of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

6. Welcomes the cooperation already established between the representative of the Secretary-General and other United Nations mechanisms and procedures in the field of human rights, and encourages the continuation of this cooperation;

7. Calls upon all Governments, regional intergovernmental organizations, the Department of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross and non-governmental organizations to continue to cooperate with the representative and assist him in his tasks and activities;

8. Calls upon all Governments to continue to facilitate the tasks and activities of the representative, including, where appropriate, through extending invitations for country visits;

9. Requests the representative of the Secretary-General to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly and to make any suggestions and recommendations enabling him to better carry out his tasks and activities;

10. Decides to continue consideration of the question at its fiftieth session.

68th meeting
11 March 1993
[Adopted without a vote. See chap. XI.]

1993/96. Procedure for special sessions of the Commission on Human Rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for the promotion and protection of human rights and fundamental freedoms,

Determined to achieve still further progress in the implementation of the principles and rights enshrined in those instruments,

Convinced that the reinforcement of special procedures and mechanisms established or applied by the Commission on Human Rights to promote and protect human rights and fundamental freedoms will contribute towards strengthening the role and enhancing the effectiveness of the United Nations in the field of human rights, Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 37.]

68th meeting
11 March 1993
[Adopted without a vote. See chap. XI.]

1993/97. Situation in East Timor

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Bearing in mind the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session (see E/1992/22, para. 457) following the violent incident of 12 November 1991 in Dili,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/20 of 27 August 1992,

Gravely concerned at continuing allegations of serious human rights violations, and noting with concern in this context the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Taking note of the information that the Government of Indonesia has provided to the Commission on actions it has taken during the past year,

Welcoming the recent access to East Timor granted to human rights organizations as well as to some other relevant international observers, but remaining disappointed that such access is still frequently denied,

Having examined the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49),

1. Expresses its deep concern at the reports of continuing human rights violations in East Timor;

2. Recalls that the Commission has commended the decision of the Government of Indonesia to set up an inquiry commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to identify clearly all those responsible for these actions;

3. Expresses its concern about the lack of information concerning the number of people killed on 12 November 1991 and about the persons still unaccounted for, and urges the Government of Indonesia to account fully for those still missing since that date;

4. Regrets the disparity in the severity of sentences imposed on those civilians not indicted for violent activities - who should have been released without delay - on the one hand, and to the military involved in the violent incident, on the other;

5. Calls upon the Government of Indonesia to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session;

6. Also calls upon the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, are treated humanely, with their rights fully respected, that all trials are fair, just and public and recognize the right to proper legal representation in accordance with international humanitarian law, and that those not involved in violent activities are released without delay;

7. Welcomes the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations, and calls upon the Indonesian authorities to expand this access further;

8. Encourages once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on the question of torture in the report he submitted following his visit to Indonesia and East Timor (E/CN.4/1992/17/Add.1) and to keep the Special Rapporteur informed of the progress made towards their implementation;

9. Urges the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates;

10. Welcomes the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his personal envoy, Mr. S. Amos Wako, in the coming months, and invites the Secretary-General to consider transmitting to the Commission the full reports of Mr. Wako on his previous and next visits;

11. *Also welcomes* the resumption of talks on the question of East Timor and encourages the Secretary-General to continue his good offices with a view to achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor;

12. *Decides* to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, *inter alia*, Governments and intergovernmental and non-governmental organizations.

68th meeting
11 March 1993
[Adopted by a roll-call vote of 22 to 12,
with 15 abstentions. See chap. XII.]

1993/98. *Rationalization of the work of the Commission*

The Commission on Human Rights,

Recalling its resolution 1992/83 of 6 March 1992, in which it decided to discuss the question of restructuring its agenda,

Concerned about the considerable increase in the workload, including the growing number of resolutions adopted by the Commission over the years,

Conscious of the need to make economical use of the time and resources of the Commission,

Realizing that restructuring the agenda of the Commission would not be sufficient *per se* but should be paralleled with a rationalization of its work, as well as a reduction in the amount of documentation provided to it at each session,

1. *Affirms* that such a comprehensive process could only take place through consultations and on the basis of consensus in the Commission;

2. *Decides* to establish an open-ended inter-sessional working group of the Commission on Human Rights, to be convened after the World Conference on Human Rights and to be chaired by the Chairman of the Commission, to consider the matter and to submit specific proposals to the Commission at its fiftieth session;

3. *Also decides* to consider the rationalization of its work at its fiftieth session on the basis of the above-mentioned proposals.

69th meeting
12 March 1993
[Adopted without a vote. See chap. III.]

B. Decisions

1993/101. Organization of work

At its 2nd meeting, on 2 February 1993, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 5: Mr. M. L. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa;

(b) In connection with item 7: Mr. L. Valencia Rodríguez, independent expert on the right to own property;

(c) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;

(d) In connection with item 10: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(e) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture;

(f) In connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(g) In connection with item 11: Mr. F. M. Deng, representative of the Secretary-General on the question of internally displaced persons;

(h) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar; Mr. C. J. Groth, Special Rapporteur on the situation of human rights in Cuba; Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq; Mr. B. W. N'Diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions; Mr. M. T. Bruni Celli, independent expert on the situation of human rights in Haiti; Mr. F. Volio Jiménez, Expert appointed by the Secretary-General on the situation in Equatorial Guinea;

(i) In connection with item 12 or item 21: Mr. P. Nikken, independent expert on the situation of human rights in El Salvador; Mr. C. Tomuschat, independent expert on the situation of human rights in Guatemala;

(j) In connection with item 12 (b): Mr. T. Ramishvili, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; an expert; a special representative of the Secretary-General; and representatives of States in respect of which situations are being considered under item 12 (b);

(k) In connection with item 19: Mr. M. Alfonso Martínez, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session;

(l) In connection with item 22: Mr. A. V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance;

(m) In connection with item 24 (b): Mr. V. Muntarbhorn, Special Rapporteur on the sale of children;

(n) In connection with item 27: Mr. T. Mazowiecki, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia.

[See chap. III.]

1993/102. Expression of thanks to Mr. Antoine Blanca, Under-Secretary-General for Human Rights, for his services

At its 43rd meeting, on 26 February 1993, the Commission decided, by acclamation, to express to Mr. Antoine Blanca its gratitude for his excellent services to the Commission and for his dedication to the cause of human rights.

[See chap. III.]

1993/103. Promoting the realization of the right to adequate housing

At its 53rd meeting, on 4 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/26 of 27 August 1992, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing and to request him to carry out a two-year study on this issue, and to endorse the requests of the Sub-Commission to: (a) the Special Rapporteur to submit to the Sub-Commission, at its forty-fifth session, a progress report on the promotion of the realization of the right to adequate housing, taking into account the comments made during the discussion of his working paper (E/CN.4/Sub.2/1992/15) at its forty-fourth session, and (b) to the Secretary-General to provide the Special Rapporteur with all the assistance he might require to prepare his study and to compile and analyse the information and documents collected.

[See chap. VII.]

1993/104. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 53rd meeting, on 4 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/28 of 27 August 1992, decided, by a vote of 48 to 1, to endorse the decision of the Sub-Commission to entrust Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements, and also to endorse the Sub-Commission's request to the Secretary-General to give the Special Rapporteurs all the assistance necessary for their study.

[See chap. VII.]

1993/105. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 57th meeting, on 5 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1992/110 of 27 August 1992, decided, without a vote, to endorse the request of the Sub-Commission to the Special Rapporteur, Mr. M. A. Alfonso Martínez, to submit a second progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations at its twelfth session and to the Sub-Commission at its forty-sixth session, to endorse the decision of the Sub-Commission to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultations with the Centre for Human Rights, and to recommend to the Economic and Social Council that it endorse this request.

[See chap. XIX.]

1993/106. Right to a fair trial

At its 57th meeting, on 5 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/21 of 27 August 1992, expressed its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their continued work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", and decided, without a vote, to endorse the request of the Sub-Commission to the Special Rapporteurs to continue their study and to recommend the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 4.]

[See chap. X.]

1993/107. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

At its 57th meeting, on 5 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/32 of 27 August 1992, decided, without a vote, (a) to endorse the request of the Sub-Commission to Mr. Theo van Boven, Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, to continue his study, taking into account, inter alia, the comments made in the discussion on the preliminary report (E/CN.4/Sub.2/1990/10) and the progress reports (E/CN.4/Sub.2/1991/7 and E/CN.4/Sub.2/1992/8), and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, and (b) to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his final report.

[See chap. X.]

1993/108. Study of the issue of the privatization of prisons

At its 57th meeting, on 5 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1992/107 of 27 August 1992, decided, without a vote to endorse the requests of the Sub-Commission to: (a) Ms. Claire Palley to prepare, without financial implications, an outline of the possible utility, scope and structure of a special study which might be undertaken on the issue of privatization of prisons, to be submitted to the Working Group on Detention and to the Sub-Commission at its forty-fifth session, and (b) to the Secretary-General to provide Ms. Palley with all possible assistance for the completion of her task.

[See chap. X.]

1993/109. Question of human rights in Cyprus

At its 59th meeting, on 8 March 1993, the Commission decided, without a vote, to postpone the debate under agenda item 12 (a), entitled "Question of human rights in Cyprus", to its fiftieth session and to give it due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]

1993/110. Situation in China

At its 68th meeting, on 11 March 1993, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 22 to 17, with 12 abstentions, to take no decision on draft resolution E/CN.4/1993/L.104.

[See chap. XII.]

1993/111. Detention in Bougainville

At its 67th meeting, on 10 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992, decided, without a vote, to endorse the request of the Sub-Commission to Mr. M. A. Alfonso Martínez, Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, to include in his report the case of the agreements entered into between the indigenous people of Bougainville and the Government of Papua New Guinea.

[See chap. XII.]

1993/112. Report of the Working Group on Contemporary Forms of Slavery

At its 67th meeting, on 10 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/2 of 14 August 1992, decided, without a vote:

(a) To authorize the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of the Special Rapporteur on the exploitation of child labour, Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session, and to extend that study to the problem of debt bondage;

(b) To endorse the Sub-Commission's request to the Secretary-General:

(i) To invite annually States that have not acceded to or ratified the international conventions on slavery to explain why they have not done so, and to report on their replies to the Sub-Commission at its forty-fifth session and to the Commission at its fiftieth session, and to extend a similar invitation to States that have not ratified the conventions on forced labour of the International Labour Organisation;

(ii) To include in his next report on the status and implementation of the international conventions on slavery, a list of States that have not yet signed, ratified or acceded to those instruments;

(c) To endorse the Sub-Commission's recommendation that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years.

[See chap. XXIV.]

1993/113. Question of the follow-up to the guidelines for the regulation of computerized personal data files

At its 67th meeting, on 10 March 1993, the Commission, referring to the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72) adopted by the General Assembly in its resolution 45/95 of 14 December 1990, decided, without a vote, to request the Secretary-General to report to the Commission at its fifty-first session:

(a) On the application of the guidelines within the United Nations system;

(b) On information collected from States and intergovernmental, regional and non-governmental organizations concerning the follow-up to the guidelines at the regional and national levels.

[See chap. XIV.]

1993/114. Human rights and the environment

At its 67th meeting, on 10 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/31 of 27 August 1992, decided, without a vote, to endorse the request of the Sub-Commission to the Special Rapporteur on human rights and the environment, Ms. Fatma Zohra Ksentini, to prepare a second progress report containing additional information on and an analysis of decisions and views of Governments, United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations, indigenous peoples' organizations and international human rights organizations, as well as information on and an analysis of national law and practice, and also to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance she might require for the preparation of her study and the necessary assistance to compile and analyse the information and documents collected.

[See chap. XIV.]

1993/115. Proposal for the establishment of an emergency mechanism of the Commission on Human Rights

At its 68th meeting, on 11 March 1993, the Commission, recalling its resolution 1992/55 of 3 March 1992 and the annex thereto on the establishment of an emergency mechanism of the Commission on Human Rights, decided, without a vote, to postpone consideration of the proposal for the establishment of an emergency mechanism to its fiftieth or a subsequent session.

[See chap. XI.]

1993/116. Organization of the work of the fiftieth session

At its 69th meeting, on 12 March 1993, the Commission, taking into account its heavy schedule of work and that of its sessional working groups, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to forty-ninth sessions, decided, without a vote: (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, forty fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fiftieth session, and (b) to request the Chairman of the Commission at its fiftieth session to make every effort to organize the work of the session within the time normally allotted, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

III. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its forty-ninth session at the United Nations Office at Geneva from 1 February to 12 March 1993. It held 69 meetings (E/CN.4/1993/SR.1-69) 1/ during the session.

2. The session was opened by Mr. Sirous Nasseri (Islamic Republic of Iran), Acting Chairman of the Commission at its forty-eighth session, who made a statement. The Under-Secretary-General for Human Rights also addressed the Commission at its 1st meeting.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I to the present report.

C. Election of officers

4. At its 1st meeting, on 1 February 1993, the Commission elected the following officers by acclamation:

Chairman:	Mr. Mohamed Ennaceur (Tunisia)
Vice-Chairmen:	Mr. Roberto Garretón (Chile)
	Mr. Soemadi Brotodiningrat (Indonesia)
	Mr. Cornelius Flinterman (Netherlands)
Rapporteur:	Mr. Zdzislaw Kedzia (Poland)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda for the forty-ninth session (E/CN.4/1993/1 and Add.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its forty-eighth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At the same meeting, the representative of Canada proposed that a new item, entitled "Situation of human rights in the territory of the former Yugoslavia", be included in the provisional agenda.

7. The representatives of Austria, Germany, the Russian Federation and the United States of America made statements with regard to the proposal made by Canada.

8. The proposal was adopted without a vote.

9. At the same meeting, the representative of Colombia proposed that a new item, entitled "Commemoration of the International Year of the World's Indigenous People", be included in the provisional agenda.

10. The representatives of Canada, Chile and Cuba made statements with regard to the proposal made by Colombia.

11. The Commission postponed its decision on the proposal to a later date.

12. At the same meeting, the agenda was adopted without a vote, with a reservation concerning the pending decision on the proposal made by Colombia.

13. At its 2nd meeting, on 2 February 1993, the Commission adopted, without a vote, the proposal made by Colombia.

14. For the text of the agenda as adopted, see annex II to the present report.

E. Organization of work

15. At its 2nd meeting, on 2 February 1993, the Commission considered the organization of its work.

16. The Commission had before it the following documents:

Report by the independent expert, Mr. Christian Tomuschat, on the situation of human rights in Guatemala, prepared in accordance with paragraph 13 of Commission resolution 1992/78 (E/CN.4/1993/10);

Report of the independent expert on El Salvador, Mr. Pedro Nikken, appointed by the Secretary-General in accordance with Commission on Human Rights resolution 1992/62 of 3 March 1992 (E/CN.4/1993/11);

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/4);

Written statements submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/14, E/CN.4/1993/NGO/15);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/33).

17. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 9; items 5, 6, 15 and 16; items 7, 8, 17 and 18; items 24 and 26; and items 13, 14 and 23. The Commission further agreed to consider the agenda items in the following order: 4, 9; 5, 6, 15, 16; 27; 7, 8, 17, 18; 20; 25; 22; 28; 19; 10; 11; 12 (b); 12; 24, 26; 21; 13, 14, 23.

18. The Commission approved an additional meeting for the open-ended working group on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

19. Also at its 2nd meeting, the Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 15 minutes or two statements of 10 minutes per item. Observers and non-governmental organizations were limited to one statement of 10 minutes per item. Observer States and liberation movements mentioned in reports submitted to the Commission were limited to one statement of 15 minutes or two statements of 10 minutes under the item concerned. It was also agreed that, with regard to rights of reply, the practice followed by the Third Committee of the General Assembly, namely a limitation to two replies, five minutes for the first and three minutes for the second, would be observed.

20. At the same meeting, upon the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives and chairmen-rapporteurs of working groups to participate in the meetings at which their reports were to be considered.

21. For the text of the decision as adopted, see chapter II, section B, decision 1993/101.

22. At the same meeting, with respect to its resolutions 1992/62, entitled "Situation of human rights in El Salvador", and 1992/78, entitled "Assistance to Guatemala in the field of human rights", the Commission accepted the recommendation of its officers to postpone the decision as to the agenda item under which the questions would be considered.

23. At the 48th meeting, on 2 March 1993, the independent expert on the situation of human rights in El Salvador, Mr. Pedro Nikken, introduced his report (E/CN.4/1993/11) to the Commission. It was understood that this introduction would not prejudice the decision by the Commission as to the item under which the report would be considered.

24. At the 60th meeting, on 8 March 1993, the independent expert on the situation of human rights in Guatemala, Mr. Christian Tomuschat, introduced his report (E/CN.4/1993/10) to the Commission. It was understood that this introduction would not prejudice the decision by the Commission as to the item under which the report would be considered.

25. At the 67th meeting, on 10 March 1993, the representative of Colombia introduced, under agenda item 3, draft resolution E/CN.4/1993/L.89, sponsored by Argentina, Barbados, Brazil, Chile, Colombia, Costa Rica, Cuba, Mexico, Spain*, Uruguay and Venezuela. Peru and the United States of America subsequently joined the sponsors.

26. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.89.

27. The draft resolution was adopted without a vote.

28. For the text as adopted, see chapter II, section A, resolution 1993/93.

29. At the 69th meeting, on 17 March 1993, the Chairman orally proposed a draft decision concerning the organization of work for the fiftieth session of the Commission.

30. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft decision.

31. The draft decision was adopted without a vote.

32. For the text as adopted, see chapter II, section B, decision 1993/116.

33. At the same meeting, the Chairman orally proposed a draft resolution concerning the rationalization of the work of the Commission.

34. The draft resolution was adopted without a vote.

35. For the text as adopted see chapter II, section A, resolution 1993/98.

F. Meetings, resolutions and documentation

36. Of the 69 meetings held by the Commission, three were extended to the equivalent of six additional meetings. The working group established by the Commission also held a meeting equivalent to one additional meeting.

37. The resolutions and decisions adopted by the Commission at its forty-ninth session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

38. Annex III contains estimates of the administrative and programme budget implications of resolutions and decisions of the Commission, prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

39. Annex IV contains a list of documents issued for the forty-ninth session of the Commission.

G. Visits

40. At the 3rd meeting, on 2 February 1993, Mr. Mohammad Nawaz Sharif, Prime Minister of Pakistan, addressed the Commission. At the same meeting statements in exercise of the right of reply were made by the representatives of India and Pakistan.

41. At the 5th meeting, on 3 February 1993, Mr. Niels Helveg Petersen, Minister for Foreign Affairs of Denmark, addressed the Commission.

42. At the 7th meeting, on 4 February 1993, Mr. Georges Kiejman, Minister-Delegate for Human Rights of France, addressed the Commission.

43. At the same meeting, Baroness Margaretha af Ugglas, Minister for Foreign Affairs of Sweden, addressed the Commission.

44. At the 12th meeting, on 9 February 1993, Mr. Douglas Hogg, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, addressed the Commission. At the same meeting, the observer for Iraq made a statement equivalent to the right of reply. At the 13th meeting, on 9 February 1993, the representative of the Sudan made a statement in exercise of the right of reply. At the 14th meeting, on 10 February 1993, the representative of the Islamic Republic of Iran made a statement in exercise of the right of reply.

45. At the 14th meeting, on 10 February 1993, Ms. Johanna Dohnal, Federal Minister for Women's Affairs of Austria, addressed the Commission.

46. At the 20th meeting, on 15 February 1993, Mr. Georgs Andrejevs, Minister for Foreign Affairs of Latvia, addressed the Commission.

47. At the 22nd meeting, on 16 February 1993, Mr. Robert Mroziewicz, Under-Secretary of State at the Ministry of Foreign Affairs of Poland, addressed the Commission.

48. At the 23rd meeting, on 16 February 1993, Mr. Paulo Tjipilica, Minister of Justice of Angola, addressed the Commission. At the same meeting, the representative of Indonesia made a statement in exercise of the right of reply.

49. At the 26th meeting, on 18 February 1993, Mr. Adelaziz Abdalla Shido, Minister of Justice and Attorney-General of the Sudan, addressed the Commission.

50. At the 27th meeting, on 18 February 1993, Mr. Seyed Ataollah Mohajerani, Deputy to the President of the Islamic Republic of Iran for Legal and Parliamentary Affairs, addressed the Commission.

51. At the same meeting, Mr. Paavo Väyrynen, Minister for Foreign Affairs of Finland, addressed the Commission.

52. At the 30th meeting, on 22 February 1993, Mr. Oscar de la Puente Raygada, President of the Council of Ministers and Minister for Foreign Affairs of Peru, addressed the Commission.

53. At the same meeting, Oscar Arias Sanchez, Former President of Costa Rica and Nobel Peace Prize laureate in 1987, addressed the Commission. Mr. Arias Sánchez was accompanied by five Nobel Peace Prize laureates, Mr. Adolfo Pérez Esquivel, Ms. Maired Corrigan Maguire, Ms. Rigoberta Menchú Tum, Mr. Elie Wiesel and Ms. Betty Williams. At the same meeting, the observer for Myanmar made a statement in exercise of the right of reply.

54. At the 31st meeting, on 22 February 1993, Mrs. Jenny Shipley, Minister of Women's Affairs and Social Welfare of New Zealand, addressed the Commission.

55. At the 40th meeting, on 25 February 1993, Mr. Wolfgang Schallenberg, Secretary-General for Foreign Affairs of Austria, addressed the Commission.

56. At the 47th meeting, on 2 March 1993, Mr. Habib Ben Yahia, Minister for Foreign Affairs of Tunisia, addressed the Commission.

57. At the same meeting, Mr. Emeka Anyaoku, Secretary-General of the Commonwealth Secretariat, addressed the Commission.

58. At the same meeting, Mr. Amos Wako, Attorney-General of Kenya, addressed the Commission.

59. At the 50th meeting, on 3 March 1993, Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees, addressed the Commission.

60. At the 56th meeting, on 5 March 1993, Mr. Klaus Kinkel, Federal Minister for Foreign Affairs of Germany, addressed the Commission.

61. At the 59th meeting, on 8 March 1993, Mrs. Agatha Uwilingiyimana, Minister of Primary and Secondary Education of Rwanda, addressed the Commission.

62. At the 65th meeting, on 10 March 1993, Mr. Lojze Peterle, Minister of Foreign Affairs of Slovenia, addressed the Commission.

H. Other matters

63. At the 1st meeting, on 1 February 1993, the representatives of Australia, Austria, Canada (on behalf of the States Members of the Group of Western European and other States), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden), Japan and the United States of America made statements with regard to the question of the representation of Yugoslavia.

64. At the 43rd meeting, on 26 February 1993, on the occasion of the separation of Mr. Antoine Blanca, Under-Secretary-General for Human Rights, from the United Nations, the representatives of Chile, Equatorial Guinea, the

Islamic Republic of Iran, the Netherlands and Poland, on behalf of their regional groups, made statements. Mr. Antoine Blanca also made a statement.

65. At the same meeting, the Commission decided, by acclamation, to express its gratitude to Mr. Antoine Blanca.

66. For the decision as adopted, see chapter II, section B, decision 1993/102.

67. At the 66th meeting, on 10 March 1993, the Chairman of the Commission made the following statement:

> "The Commission on Human Rights, taking note of the wishes of Latvia and Estonia to strengthen their political institutions and national cultures, having in mind the interests of members of other nationalities permanently residing in these countries who wish to be equal members of their societies, realizing the present difficulties relating to populations transferred into Estonia, Latvia and Russia and existing legislation in this field, taking note of the views expressed during the forty-ninth session of the Commission on Human Rights on the existing problems, taking into consideration visits of various international fact-finding missions to Estonia and Latvia and the cooperation extended by the Governments to these missions, taking note of the findings and recommendations of the missions, appeals to all interested parties and others concerned to abstain from any official declarations and actions which might adversely affect the confidence building among the people living in these countries; invites all parties to continue their efforts to search for acceptable solutions by peaceful means, and in conformity with principles of justice and international law."

68. At the 68th meeting, on 11 March 1993, the observer for Zaire made a statement.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

69. The Commission considered agenda item 4 at its 2nd and 3rd meetings, on 2 February 1993; it continued its consideration of the item, concurrently with item 9 (see chap. IX) at its 4th to 9th meetings, from 3 to 8 February, and at its 29th meeting, on 19 February 1993. 1/

70. The Commission had before it the following documents:

Reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories: notes by the Secretary-General (in pursuance of General Assembly resolution 46/47 A) (A/47/76, A/47/262);

Letter dated 19 June 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/3);

Letter dated 16 July 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/5);

Letter dated 20 July 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/6);

Letter dated 28 September 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/9);

Report of the Secretary-General (E/CN.4/1993/12);

Note by the Secretary-General (E/CN.4/1993/13);

Letter dated 7 October 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/70);

Letter dated 18 December 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/71);

Letter dated 21 December 1992 from the Permanent Representative of Jordan to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/72);

Letter dated 21 December 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/73);

Letter dated 5 October 1992 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/74);

Letter dated 1 February 1993 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/81);

Letter dated 3 February 1993 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/83);

Letter dated 9 February 1993 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/88);

Note verbale dated 13 January 1993 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/89);

Note verbale dated 4 February 1993 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/91);

Letter dated 16 February 1993 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/94);

Letter dated 18 February 1993 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/100);

Note verbale dated 26 February 1993 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/112);

Letter dated 2 March 1993 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/114);

Note verbale dated 8 March 1993 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/121).

71. In the general debate on agenda 4, statements 3/ were made by the following members of the Commission: Argentina (5th), Australia (9th), Austria (3rd), Bangladesh (6th), Canada (3rd), China (6th), Cuba (8th), Cyprus (5th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (7th), India (5th), Indonesia (6th), Iran (Islamic Republic of) (8th), Japan (6th), Libyan Arab Jamahiriya (6th), Malaysia (6th), Mauritania (5th),

Mauritius (9th), Nigeria (4th), Pakistan (3rd), Republic of Korea (5th), Russian Federation (7th), Sudan (6th), Syrian Arab Republic (2nd), United States of America (6th), Tunisia (6th).

72. The Commission also heard statements by the observers for: Algeria (4th), Denmark (on behalf of the European Community and its member States) (2nd), Egypt (4th), Israel (6th), Jordan (4th), Morocco (3rd), Oman (6th), Senegal (9th), Sri Lanka (8th), Turkey (7th), United Arab Emirates (9th), Viet Nam (7th), Yemen (6th).

73. The observer for Palestine made a statement (2nd).

74. The Commission also heard statements from the following intergovernmental organizations: League of Arab States (4th), Organization of the Islamic Conference (7th).

75. The Commission also heard statements by the following non-governmental organizations: Amnesty International (2nd), Anglican Consultative Council (8th), Arab Lawyers Union (8th), Arab Organization for Human Rights (8th), Human Rights Advocates (4th), International Commission of Jurists (4th), International Fellowship of Reconciliation (2nd), International League for the Rights and Liberation of Peoples (8th), Latin American Federation of Associations of Relatives of Disappeared Detainees (8th), Pax Christi (4th), Women's International League for Peace and Freedom (8th), World Christian Life Community (9th), World Confederation of Labour (8th), World Federation of Trade Unions (8th), World Islamic Call Society (4th), World Muslim Congress (8th), World Organization against Torture (8th), World Young Women's Christian Association (8th).

76. At its 29th meeting, on 19 February 1993, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

77. The representative of the Syrian Arab Republic introduced draft resolution E/CN.4/1993/L.2, sponsored by Afghanistan*, Algeria*, Bahrain*, Bangladesh, Cuba, India, Indonesia, the Islamic Republic of Iran, Iraq*, Jordan*, Kuwait*, Lebanon*, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal*, Somalia*, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates* and Yemen*. Madagascar*, Sri Lanka, Viet Nam* and Zimbabwe* subsequently joined the sponsors.

78. At the request of the representatives of the Syrian Arab Republic and the United States of America, a roll-call vote was taken on the draft resolution.

79. A statement in explanation of vote before the vote was made by the representative of the United States of America.

80. The draft resolution was adopted by 29 votes to 1, with 17 abstentions. The voting was as follows:

In favour:	Bangladesh, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.
Against:	United States of America.
Abstaining:	Argentina, Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

81. Statements in explanation of vote after the vote were made by the representatives of Argentina, Chile, Costa Rica, the Islamic Republic of Iran, Japan, the Netherlands, the Republic of Korea, the Sudan, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.

82. The representatives of Kenya and Mauritania subsequently indicated that had they been present at the voting they would have voted in favour of the draft resolution.

83. For the text as adopted, see chapter II, section A, resolution 1993/1.

84. At the same meeting, the observer for Yemen introduced two draft resolutions, A and B (E/CN.4/1993/L.4), sponsored by Afghanistan*, Algeria*, Angola, Bangladesh, Burundi, China, Cuba, India, Indonesia, Iraq*, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco*, Pakistan, Saudi Arabia*, Sri Lanka, the Sudan, Tunisia, Zambia and Zimbabwe*. The Democratic People's Republic of Korea*, Gabon, Guinea-Bissau, Jordan*, Lesotho, Oman*, Senegal*, Somalia*, Viet Nam* and Yemen* subsequently joined the sponsors.

85. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution A.

86. The observer for Yemen made a statement concerning paragraph 4 of draft resolution A, to the effect that a special rapporteur would be appointed by the Chairman of the Commission after consultations with the other officers.

87. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution A.

88. Draft resolution A was adopted by 26 votes to 16, with 5 abstentions. The voting was as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Costa Rica, Gabon, Republic of Korea, Uruguay.

89. Statements in explanation of vote after the vote were made by the representatives of Argentina, Chile, Costa Rica, the Islamic Republic of Iran, Japan, the Netherlands, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.

90. The representative of Kenya subsequently indicated that had he been present at the voting he would have abstained.

91. The representative of Gabon subsequently indicated that he had intended to vote in favour of the draft resolution.

92. For the text as adopted, see chapter II, section A, resolution 1993/2 A.

93. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution B.

94. Draft resolution B was adopted by 27 votes to 1, with 19 abstentions. The voting was as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: United States of America.

Abstaining: Argentina, Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Gabon, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

95. Statements in explanation of vote after the vote were made by the representatives of Argentina, Chile, Costa Rica, the Islamic Republic of Iran, Japan, the Netherlands, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.

96. The representative of Kenya subsequently indicated that had he been present at the voting he would have voted in favour of the draft resolution.

97. For the text as adopted, see chapter II, section A, resolution 1993/2 B.

98. Also at the same meeting, the representative of Denmark introduced draft resolution E/CN.4/1993/L.7, sponsored by Austria, Bangladesh, Belgium*, Colombia, Cyprus, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Hungary*, Iceland*, Ireland*, Italy*, Japan, Jordan*, Lebanon*, Luxembourg*, Morocco*, the Netherlands, Norway*, Oman*, Pakistan, Portugal, Qatar*, Saudi Arabia*, Spain*, Sweden*, Switzerland*, Turkey*, the United Kingdom of Great Britain and Northern Ireland and Yemen*. Australia, Liechtenstein*, Malta*, Mauritania, New Zealand*, the Russian Federation and Senegal* subsequently joined the sponsors.

99. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution E/CN.4/1993/L.7.

100. The representative of the United States of America made a statement in explanation of vote before the vote.

101. The draft resolution was adopted by 46 votes to 1. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Finland, France, Gabon, Gambia, Germany, India, Indonesia, Iran (Islamic Republic of), Japan, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zambia.

Against: United States of America.

Abstaining: None.

102. Statements in explanation of vote after the vote were made by the representatives of the Islamic Republic of Iran and the Sudan.

103. The representative of Kenya subsequently indicated that had he been present at the voting he would have voted in favour of the draft resolution.

104. For the text as adopted, see chapter II, section A, resolution 1993/3.

V. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

105. The Commission considered agenda item 5 concurrently with items 6, 15 and 16 (see chaps. VI, XV and XVI) at its 11th, 12th, 16th and 17th meetings, on 8, 9 and 11 February, and at its 42nd meeting, on 26 February 1993. 1/

106. The Commission had before it the final report of the Ad Hoc Working Group of Experts on southern Africa, prepared in accordance with Commission resolutions 1991/21 and 1992/19 and Economic and Social Council decision 1991/237 (E/CN.4/1993/14).

107. At the 12th meeting, on 9 February 1993, in the absence of the Chairman-Rapporteur, Mr. Mijuin Leliel Balanda, the Vice-Chairman of the Ad Hoc Working Group of Experts on southern Africa, Mr. Felix Ermacora, introduced the final report of the Working Group.

108. In the general debate on agenda item 5, statements 3/ were made by the following members of the Commission: Australia (12th), Austria (11th), Bangladesh (17th), Brazil (12th), Canada (12th), China (12th), Czech Republic (11th), Cuba (17th), Cyprus (11th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (12th), India (17th), Indonesia (11th), Iran (Islamic Republic of) (17th), Japan (12th), Kenya (17th), Malaysia (12th), Mauritania (12th), Mexico (17th), Nigeria (11th), Republic of Korea (17th), Russian Federation (12th), Sudan (12th), Syrian Arab Republic (11th), Venezuela (11th), United States of America (11th).

109. The Commission also heard statements by the observers for: Denmark (on behalf of the European Community and its member States) (12th), Democratic People's Republic of Korea (17th), Egypt (17th), Ethiopia (11th), Morocco (17th), Senegal (17th).

110. At the 17th meeting, the observers for the Organization of African Unity and the Organization of the Islamic Conference made statements.

111. The observer for the Pan Africanist Congress of Azania made a statement (11th).

112. The Commission also heard statements by the following non-governmental organizations: Amnesty International (11th), Anglican Consultative Council (11th), Commission of the Churches on International Affairs of the World Council of Churches (11th), International Commission of Jurists (11th), International Confederation of Free Trade Unions (11th), World Confederation of Labour (17th), World Federation of Trade Unions (11th).

113. At its 42nd meeting, on 26 February 1993, the Commission took up consideration of draft resolution E/CN.4/1993/L.13, submitted under agenda item 5.

114. The observer for the United Republic of Tanzania introduced draft resolution E/CN.4/1993/L.13, sponsored by Algeria*, Bangladesh, Barbados,

Cameroon*, China, Cuba, the Democratic People's Republic of Korea*, Ethiopia*, Gabon, Ghana*, Guinea-Bissau, India, Iraq*, Jamaica*, Kenya, Lesotho, Malaysia, Mauritania, Myanmar*, Nigeria, Pakistan, Qatar*, Rwanda*, Senegal*, the Sudan, the Syrian Arab Republic, Tunisia, the United Republic of Tanzania*, Yemen*, Yugoslavia*, Zaire*, Zambia and Zimbabwe*. Angola, Equatorial Guinea*, the Islamic Republic of Iran and the Libyan Arab Jamahiriya subsequently joined the sponsors.

115. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

116. The draft resolution was adopted without a vote.

117. For the text as adopted, see chapter II, section A, resolution 1993/9.

VI. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME IN SOUTH AFRICA

118. The Commission considered agenda item 6 concurrently with items 5, 15 and 16 (see chaps. V, XV and XVI) at its 11th, 12th, 16th and 17th meetings, on 8, 9 and 11 February, and at its 43rd meeting, on 26 February 1993. 1/

119. The Commission had before it the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1993/55).

120. In the general debate on agenda item 6, statements 3/ were made by the following members of the Commission: Australia (12th), Bangladesh (17th), Brazil (12th), China (12th), Cuba (17th), India (17th), Indonesia (11th), Iran (Islamic Republic of) (17th), Japan (12th), Mexico (17th), Sudan (12th), Syrian Arab Republic (11th), Venezuela (11th).

121. The Commission also heard statements by the observers for: Egypt (17th), Ethiopia (11th), Senegal (17th).

122. The observer for the Organization of the Islamic Conference made a statement (17th).

123. The observer for the Pan Africanist Congress of Azania also made a statement (11th).

124. The Commission also heard statements by the following non-governmental organizations: Anglican Consultative Council (17th), Centre Europe-Tiers Monde (17th), International Confederation of Free Trade Unions (11th), World Confederation of Labour (17th).

125. At its 43rd meeting, on 26 February 1993, the Commission took up consideration of the draft resolutions submitted under agenda item 6.

126. On 17 February 1993, a draft resolution (E/CN.4/1993/L.14) had been submitted by Equatorial Guinea*, Ghana*, Lesotho, Nigeria, the Sudan, Swaziland*, Zambia and Zimbabwe*, reading as follows:

> "The Commission on Human Rights,
>
> "Recalling all relevant General Assembly resolutions on this matter, in particular resolutionS-16/1 of 14 December 1989, adopted by consensus, containing the Declaration on Apartheid and its Destructive Consequences in Southern Africa, and resolutions 45/176 A of 19 December 1990 and 46/79 A of 13 December 1991, also adopted by consensus,
>
> "Noting with satisfaction that the fundamental principles for a new constitutional order set out in the Declaration are receiving broad acceptance in South Africa,

"Bearing in mind its resolutions on the subject adopted since 1977, and in particular its resolution 1991/17 of 1 March 1991,

"Taking into account the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, in particular at its twenty-seventh ordinary session held at Abuja from 3 to 5 June 1991 (A/46/390, annex II),

"Taking note of all relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, particularly resolution 1991/1 of 20 August 1991, adopted without a vote,

"Strongly convinced that assistance, especially military assistance, given to the minority regime of South Africa has remained the most effective instrument of maintaining the system of apartheid,

"Recognizing the responsibility of the United Nations and the international community, as envisaged in the Declaration, to continue to take all necessary measures aimed at the eradication of apartheid, in particular by adhering to the programme of action contained in the Declaration,

"Noting with concern the statement by the Special Rapporteur of the Sub-Commission, Mr. Ahmed Khalifa, in presenting his updated report (E/CN.4/Sub.2/1992/12 and Add.1), that in the light of recent events the continued updating of the list of institutions giving support to the South African regime contained in the addendum to the report would no longer serve the purpose for which it was intended,

"Alarmed at the continued collaboration of some States, in particular Israel, with South Africa in the nuclear field,

"1. Reaffirms its support for the legitimate struggle of the South African people for the total eradication of apartheid and the establishment of a united, non-racial and democratic South Africa in which all its people, irrespective of race, colour, sex or creed, will enjoy the same fundamental freedoms, human rights and economic and social rights;

"2. Condemns the assistance rendered to South Africa in the political and particularly the military field, and expresses its conviction that this assistance constitutes a hostile act against the people of South Africa and the neighbouring States;

"3. Also condemns the continuing nuclear collaboration of some States, in particular Israel, with South Africa, and urges those States to desist forthwith from supplying South Africa with nuclear equipment and technology which enables it to develop a nuclear weapons capability;

"4. Notes with appreciation the important measures taken by numerous States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on

South Africa, and calls upon them to maintain their efforts to urge the South African authorities to comply with the United Nations resolutions and decisions on South Africa;

"5. Calls upon all Governments that have not yet done so to take measures to end military cooperation with South Africa, as well as assistance in the manufacture of arms and military supplies in South Africa, and in particular to cease all collaboration with South Africa in the nuclear field;

"6. Appeals to the international community to render all possible assistance to the front-line and neighbouring States to enable their economies to recover from the effects of years of destabilization;

"7. Calls upon all Governments to maintain sanctions and all forms of pressure against South Africa until agreement has been reached on transitional arrangements and modalities for the process of drawing up and adopting a new constitution and the holding of elections with a view to achieving an irreversible transition to a united, democratic and non-racial South Africa;

"8. Appeals to the international community, the specialized agencies and governmental and non-governmental organizations to increase humanitarian and legal assistance to the victims of apartheid, returning refugees and exiles and released political prisoners;

"9. Also appeals to the international community to increase its material, financial and other contributions to the victims and opponents of apartheid, particularly in the areas of education, health, housing and social welfare;

"10. Requests the Secretary-General to continue to ensure the coordination of activities of the United Nations system in fulfilment of the Declaration on Apartheid and its Destructive Consequences in Southern Africa and to continue monitoring the implementation of the Declaration, as well as pursuing appropriate initiatives to facilitate all efforts leading to the eradication of apartheid;

"11. Decides to appoint a Special Rapporteur to continue the work of Mr. Khalifa, with particular emphasis on the adverse consequences for the enjoyment of human rights of military assistance to the racist and colonialist regime in South Africa;

"12. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report;

"13. Reaffirms that the updating of the report of the Special Rapporteur is of the greatest importance to the cause of eradicating apartheid and other violations of human rights in South Africa;

"14. Requests the Secretary-General to give the updated report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

"15. Calls upon all Governments to cooperate with the Special Rapporteur in making the report even more accurate and informative;

"16. Also calls upon the South African authorities to allow the Special Rapporteur to visit South Africa with a view to assessing the present situation;

"17. Decides to consider the issues raised by the present resolution at its fiftieth session under the agenda item entitled 'Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa'."

127. At the 43rd meeting, the representative of Zambia introduced a revised draft resolution (E/CN.4/1993/L.14/Rev.1) sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.14. Angola, Burundi, Cameroon*, China, Cuba, Ethiopia*, the Gambia, Guinea-Bissau, Kenya, the Libyan Arab Jamahiriya, Mauritania, Pakistan and the United Republic of Tanzania* subsequently joined the sponsors.

128. At the request of the representative of Zambia, a roll-call vote was taken on draft resolution E/CN.4/1993/L.14/Rev.1.

129. Statements in explanation of vote before the vote were made by the representatives of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

130. The draft resolution was adopted by 30 votes to 12, with 9 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: Bulgaria, Canada, Czech Republic, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Australia, Austria, Costa Rica, Finland, Peru, Republic of Korea, Russian Federation, Uruguay.

131. Statements in explanation of vote after the vote were made by the representatives of Chile, Cyprus, Finland, Japan and the Republic of Korea.

132. For the text as adopted, see chapter II, section A, resolution 1993/18.

133. At the same meeting, the Commission considered draft resolution II recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. A).

134. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

135. The draft resolution was adopted without a vote.

136. For the text as adopted, see chapter II, section A, resolution 1993/19.

VII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

137. The Commission considered agenda item 7 concurrently with items 8, 17 and 18 (see chaps. VIII, XVII and XVIII) at its 17th to 21st meetings, on 11, 12 and 15 February, at its 42nd meeting, on 26 February, and at its 53rd meeting, on 4 March 1993. 1/

138. The Commission had before it the following documents:

> Final report on the right of everyone to own property alone as well as in association with others, submitted by Mr. Luis Valencia Rodríguez, independent expert (E/CN.4/1993/15);
>
> Note verbale dated 4 January 1993 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/77);
>
> Written statement submitted by the International Movement ATD Fourth World and Zonta International, non-governmental organizations in consultative status (category I); Caritas Internationalis, Development Innovations and Networks, the International Council of Jewish Women, the International Federation of Social Workers, the International Federation Terre des Hommes, the International Federation of Women in Legal Careers, Pax Christi, the World Federation of Methodist Women, the World Movement of Mothers and the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II); and the Centre Europe-Tiers Monde, the International Association of Charities, the Movement against Racism and for Friendship among Peoples, the World Association for the School as an Instrument of Peace and the World Christian Life Community, non-governmental organizations on the Roster (E/CN.4/1993/NGO/30).

139. At the 17th meeting, on 11 February 1993, the independent expert on the right to property, Mr. Luis Valencia Rodríguez, introduced his report (E/CN.4/1993/15) to the Commission.

140. In the general debate on agenda item 7, statements 3/ were made by the following members of the Commission: Australia (19th), Brazil (21st), Burundi (18th), Canada (21st), Chile (19th), Colombia (21st), Cuba (19th), Guinea-Bissau (21st), India (21st), Kenya (21st), Malaysia (17th), Mexico (21st), Netherlands (21st), Nigeria (17th), Poland (21st), Romania (21st), Russian Federation (21st), Sri Lanka (19th), Sudan (21st), Syrian Arab Republic (20th), Venezuela (20th).

141. The Commission also heard statements by the observers for: Denmark (on behalf of the European Community and its member States) (20th), Ecuador (20th), Iraq (19th), Israel (21st), Morocco (19th), Senegal (21st), Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (21st).

142. The observer for the Holy See also made a statement (19th).

143. The representative of the International Monetary Fund made a statement (20th).

144. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (21st), Baha'i International Community (18th), Centre Europe-Tiers Monde (18th), Christian Democrat International (19th), Commission for the Defence of Human Rights in Central America (20th), Commission of the Churches on International Affairs of the World Council of Churches (20th), Habitat International Coalition (19th), Indian Council of South America (21st), International Association against Torture (20th), International Commission of Jurists (18th), International Federation of Rural Adult Catholic Movements (18th), International Federation Terre des Hommes (19th), International Fellowship of Reconciliation (19th), International Humanist and Ethical Union (18th), International Immigrants Foundation, Inc. (20th), International Indian Treaty Council (21st), International Movement ATD Fourth World (17th), International Organization for the Development of Freedom of Education (18th), International Work Group for Indigenous Affairs (19th), Latin American Federation of Associations of Relatives of Disappeared Detainees (19th), Minority Rights Group (18th), Movement against Racism and for Friendship among Peoples (18th), Service, Peace and Justice in Latin America (21st), World Organization against Torture (20th), Women's International League for Peace and Freedom (17th), World Alliance of Reformed Churches (21st), World Christian Life Community (20th), World Confederation of Labour (21st), World Conference on Religion and Peace (21st), World Federation of Trade Unions (21st), World University Service (21st).

145. Statements in exercise of the right of reply or its equivalent were made by the representatives of Cuba (20th), Sri Lanka (21st) and the Sudan (21st) and by the observers for the Philippines (21st) and Rwanda (19th).

146. At its 42nd meeting, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 7.

147. The Commission postponed its consideration of draft resolution E/CN.4/1993/L.19, sponsored by the Czech Republic, Germany, Japan, Slovakia*, Switzerland*, Turkey* and the United States of America.

148. At its 53rd meeting, the Commission resumed consideration of draft resolution E/CN.4/1993/L.19. The representative of the United States of America introduced the draft resolution. The Philippines*, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

149. The representative of the United States of America orally revised the draft resolution as follows:

(a) After the second preambular paragraph, two new paragraphs were inserted as the third and fourth preambular paragraphs;

(b) In the last preambular paragraph and in operative paragraph 1, the word "final" was deleted;

(c) Operative paragraphs 2, 3 and 4, which read:

> "2. Expresses its thanks to the Secretary-General for the assistance provided to the independent expert in the preparation of his report;
>
> "3. Expresses its thanks also to the independent expert for his final report;
>
> "4. Decides not to renew the mandate of the independent expert on the right of everyone to own property alone as well as in association with others."

were replaced by four new paragraphs as operative paragraphs 2, 3, 4 and 5.

150. Statements in connection with the revised draft resolution were made by the representatives of France and the Sudan.

151. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

152. The draft resolution, as orally revised, was adopted without a vote.

153. For the text as adopted, see chapter II, section A, resolution 1993/21.

154. The representatives of Cuba and the Sudan made statements after the adoption of the draft resolution.

155. At its 42nd meeting, the Commission postponed consideration of draft resolution E/CN.4/1993/L.24, sponsored by Chile and Colombia. The draft resolution read as follows:

> "The Commission on Human Rights,
>
> "Recalling General Assembly resolution 45/98 of 14 December 1990 and its own resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992,
>
> "Recalling also Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

"Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their laws and regulations,

"Recognizing that there exist in Member States many forms of legal property ownership, including private, communal, cooperative and State forms, each of which should contribute to ensuring effective development and utilization of human resources through the establishment of sound bases for political, economic and social justice,

"1. Welcomes the preliminary report (E/CN.4/1992/9) and the final report (E/CN.4/1993/15) of the independent expert on the means whereby the right of everyone to own property alone as well as in association with others promotes, strengthens and contributes to the exercise of other human rights and fundamental freedoms;

"2. Decides to renew the mandate of the independent expert so that he may update his report using the observations and comments submitted by Governments and organizations which could not be included owing to the time when they were received;

"3. Invites States and organizations that have not yet done so to submit their comments, so that the report may provide the most faithful possible overall impression of the current legal situation;

"4. Requests the expert, on the basis of the replies received, to compile separate reports on the following topics:

"(a) Scope of the right to property in its private, State and collective forms; the implications of each form for the promotion of individuals' economic and social development;

"(b) Economic and social consequences of transferring State property to the private sector;

"(c) Recommended means of fostering respect for the right to own property; and

"(d) Expropriation and legal compensation;

"5. Requests the Secretary-General to provide all necessary assistance to the independent expert and to transmit his final report to all Member States and interested intergovernmental and non-governmental organizations, requesting them to submit their comments so that they can be taken into account in the work of the independent expert;

"6. Decides to consider the updated report of the independent expert and the separate reports referred to in paragraph 4 above at its fiftieth session, under the same agenda item."

156. At the 53rd meeting, draft resolution E/CN.4/1993/L.24 was withdrawn by the sponsors.

157. At the 42nd meeting, the representative of Cuba introduced draft resolution E/CN.4/1993/L.22, sponsored by Colombia, Costa Rica, Cuba, the Democratic People's Republic of Korea*, Ghana*, Guatemala*, Indonesia, Kenya, Lesotho, Malaysia, Nigeria, Pakistan, the Philippines*, Sri Lanka, the Sudan, the Syrian Arab Republic, Venezuela, Viet Nam* and Zambia. Angola, the Islamic Republic of Iran, Iraq*, Madagascar*, Mexico, Tunisia and Zimbabwe* subsequently joined the sponsors.

158. At the request of the representative of Japan, a roll-call vote was taken on draft resolution E/CN.4/1993/L.22. The draft resolution was adopted by 36 votes to 2, with 12 abstentions. The voting was as follows:

In favour:	Angola, Australia, Bangladesh, Barbados, Brazil, Bulgaria, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, France, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Portugal, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela.
Against:	Japan, United States of America.
Abstaining:	Argentina, Austria, Canada, Czech Republic, Finland, Germany, Netherlands, Peru, Poland, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

159. Statements in explanation of vote after the vote were made by the representatives of Japan and the United Kingdom of Great Britain and Northern Ireland.

160. The representative of Romania subsequently indicated that had he been present at the voting he would have abstained.

161. For the text as adopted, see chapter II, section A, resolution 1993/12.

162. At the same meeting, the representative of France introduced draft resolution E/CN.4/1993/L.27, sponsored by Argentina, Australia, Belgium*, Burundi, Chile, Colombia, Cuba, the Czech Republic, France, Germany, Greece*, Honduras*, Italy*, Kenya, Lesotho, Madagascar*, Mexico, Nigeria, Peru, the Philippines*, Poland, Portugal, Romania, the Russian Federation, Rwanda*, Slovakia*, Spain*, Switzerland*, the Syrian Arab Republic, Uruguay and Venezuela. Bangladesh, Brazil, Cyprus, Denmark*, Equatorial Guinea*, Iraq*, Nicaragua*, Senegal* and Tunisia subsequently joined the sponsors.

163. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

164. The draft resolution was adopted without a vote.

165. For the text as adopted, see chapter II, section A, resolution 1993/13.

166. In view of the adoption of resolution 1993/13 (see paras. 162-165), the Commission took no action on draft resolution VII recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. A).

167. At the same meeting, the representative of Portugal introduced draft resolution E/CN.4/1993/L.28, sponsored by Australia, Austria, Belgium*, Bulgaria, Colombia, Costa Rica, Cyprus, the Czech Republic, France, Guinea-Bissau, the Netherlands, Norway*, Peru, the Philippines*, Poland, Portugal, the Russian Federation, Senegal*, Slovakia*, Spain*, Switzerland* and Zimbabwe*. Angola, Denmark*, Finland, Germany, Greece*, Hungary*, Madagascar*, Romania and Tunisia subsequently joined the sponsors.

168. The representative of Portugal orally revised the draft resolution by replacing, with a new paragraph, operative paragraph 18, which read as follows:

> "Requests the Secretary-General to consider organizing, within the framework of the overall budget of the United Nations and under the programme for human rights activities, an expert seminar on the role of the financial institutions in the realization of economic, social and cultural rights;".

169. The draft resolution, as orally revised, was adopted without a vote.

170. For the text as adopted, see chapter II, section A, resolution 1993/14.

171. At its 53rd meeting, the Commission considered draft decision 5, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

172. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft decision 5.

173. The draft decision was adopted without a vote.

174. For the text as adopted, see chapter II, section B, decision 1993/103.

175. At the same meeting, the Commission considered draft decision 6 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

176. The representative of the United States of America requested a vote on the draft decision.

177. A statement in explanation of vote before the vote was made by the representative of the United States of America.

178. The draft decision was adopted by 48 votes to 1.

179. A statement in explanation of his delegation's position was made by the representative of Colombia.

180. For the text as adopted, see chapter II, section B, decision 1993/104.

VIII. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

181. The Commission considered agenda item 8 concurrently with items 7, 17, and 18 (see chaps. VII, XVII and XVIII) at its 17th to 21st meetings, on 11, 12 and 15 February, at its 42nd meeting, on 26 February, and at its 53rd meeting, on 4 March 1993. 1/

182. The Commission had before it the following documents:

Report of the Secretary-General on concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development (E/CN.4/1993/16);

Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster (E/CN.4/1993/NGO/3);

Written statement submitted jointly by the Union of Arab Jurists and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II) and the Indian Council of South America, a non-governmental organization on the Roster (E/CN.4/1993/NGO/24);

Written statement submitted by the International Organization for the Development of Freedom of Education, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/25).

183. In the general debate on agenda item 8, statements 3/ were made by the following members of the Commission: Australia (19th), Brazil (21st), Burundi (18th), Canada (21st), Chile (19th), China (18th), Colombia (21st), Cuba (21st), Guinea-Bissau (21st), India (21st), Indonesia (19th), Kenya (21st), Malaysia (19th), Mexico (21st), Nigeria (17th), Pakistan (17th), Poland (21st), Romania (21st), Russian Federation (21st), Sri Lanka (19th), Syrian Arab Republic (20th), Sudan (21st), Venezuela (20th).

184. Statements were also made by the observers for: Denmark (on behalf of the European Community and its member States) (20th), Ecuador (20th), Egypt (21st), Ethiopia (19th), Iraq (19th), Israel (21st), Morocco (19th), Philippines (18th), Senegal (21st), Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (21st).

185. The representative of the International Monetary Fund made a statement (20th).

186. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (21st), Centre Europe-Tiers Monde (18th), Christian Democrat International (19th), Commission of the Churches on International Affairs of the World Council of Churches (20th), Commission for the Defence of Human Rights in Central America (20th), Indian Council of South America (21st), International Association against Torture (20th), International Federation of Human Rights (18th), International Federation of Rural Adult Catholic Movements (18th), International Humanist

and Ethical Union (18th), International Immigrants Foundation, Inc. (20th), International Indian Treaty Council (21st), International Work Group for Indigenous Affairs (19th), Minority Rights Group (18th), Latin American Federation of Associations of Relatives of Disappeared Detainees (19th), Movement against Racism and for Friendship among Peoples (18th), Service, Peace and Justice in Latin America (21st), World Christian Life Community (20th), World Confederation of Labour (21st), World Federation of Trade Unions (21st).

187. A statement equivalent to a right of reply was made by the observer for Rwanda (19th).

188. At its 42nd meeting, the Commission postponed consideration of draft resolution E/CN.4/1993/L.26, sponsored by Afghanistan*, Algeria*, Bangladesh, Bhutan*, Burundi, Chile, China, Colombia, Cuba, the Democratic People's Republic of Korea*, Gabon, Gambia, Ghana*, Guatemala*, Guinea-Bissau, India, Indonesia, the Islamic Republic of Iran, Iraq*, Kenya, Lesotho, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Mongolia*, Morocco*, Myanmar*, Nigeria, Pakistan, Peru, the Philippines*, Rwanda*, Singapore*, Sri Lanka, the Sudan, Swaziland*, the Syrian Arab Republic, Tunisia, the United Republic of Tanzania*, Venezuela, Viet Nam*, Yemen*, Zambia and Zimbabwe*.

189. At the 53rd meeting, the representative of Indonesia introduced a revised draft resolution (E/CN.4/1993/L.26/Rev.1) sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.26. Angola, Bahrain*, Cameroon*, Equatorial Guinea*, Jamaica*, Madagascar* and Senegal* subsequently joined the sponsors.

190. Draft resolution E/CN.4/1993/L.26/Rev.1 contained the following revisions:

(a) The fourth preambular paragraph, which read "Stressing the importance of the principles of non-selectivity, impartiality and objectivity in the field of human rights", was deleted;

(b) Operative paragraph 6, which read "Reiterates the principles of non-selectivity, impartiality and objectivity in the field of human rights", was deleted and the subsequent operative paragraphs were renumbered accordingly;

(c) In new operative paragraph 10, the word "governmental" between the words "composed of 15" and the word "experts" was deleted and the words "nominated by the Government" were inserted between the words "experts" and "to be appointed";

(d) The original operative paragraph 15, which read "Requests the Economic and Social Council to include in the agenda of its substantive session of 1993 a separate item entitled 'The implementation of the right to development as a human right' and to request the General Assembly to include in the agenda of its forty-ninth session a separate item under the same title", was replaced by a new paragraph, renumbered as operative paragraph 14.

191. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.26/Rev.1.

192. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution. The draft resolution was adopted by 36 votes to 1, with 13 abstentions. The voting was as follows:

In favour:	Angola, Argentina, Australia, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, France, Gabon, Gambia, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Uruguay, Venezuela.
Against:	United States of America.
Abstaining:	Austria, Bulgaria, Canada, Czech Republic, Finland, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland.

193. Statements in explanation of vote after the vote were made by the representatives of Australia, Austria, Canada, Finland, France, Japan, Poland, the Republic of Korea, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and Uruguay.

194. The representative of Zambia subsequently indicated that had he been present at the voting he would have voted in favour of the draft resolution.

195. At the 69th meeting, on 12 March 1993, the representative of Malaysia made a statement in explanation of his vote on the resolution adopted.

196. For the text as adopted, see chapter II, section A, resolution 1993/22.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

197. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 4th to 11th meetings, from 3 to 8 February, at its 29th meeting, on 19 February, and at its 42nd meeting, on 26 February 1993. 1/

198. The Commission had before it the following documents:

Report of the Secretary-General on the situation in occupied Palestine (E/CN.4/1993/17);

Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by Mr. Enrique Bernales Ballesteros (Peru), Special Rapporteur, pursuant to Commission resolution 1992/6 (E/CN.4/1993/18);

Report of the Secretary-General on the situation in Cambodia (E/CN.4/1993/19);

Report of the International Symposium on Human Rights in Cambodia (30 November-2 December 1992) (E/CN.4/1993/19/Add.1);

Written statement submitted jointly by the Union of Arab Jurists and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), and the Indian Council of South America, a non-governmental organization on the Roster (E/CN.4/1993/NGO/24).

199. At the 11th meeting, on 8 February 1993, the Special Rapporteur on mercenaries, Mr. Enrique Bernales Ballesteros, introduced his report (E/CN.4/1993/18) to the Commission.

200. In the general debate on agenda item 9, statements 3/ were made by the following members of the Commission: Argentina (5th), Australia (9th), Austria (7th), China (9th), Cuba (9th), Czech Republic (6th), Mauritius (9th), Nigeria (4th), Pakistan (5th), Portugal (9th), Republic of Korea (5th), Tunisia (6th), United States of America (4th).

201. The Commission also heard statements by the observers for: Algeria (9th), Egypt (4th), Morocco (9th), Oman (6th), Viet Nam (8th).

202. The observer for the United Nations Transitional Authority in Cambodia made a statement (4th).

203. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (10th), Commission for the Defence of Human Rights in Central America (10th), Habitat International Coalition (10th), Human Rights Advocates (10th), International Council of

Jewish Women (10th), International Educational Development, Inc. (10th), International Federation of Human Rights (5th), International Federation Terre des Hommes (9th), International Indian Treaty Council (10th), International League for the Rights and Liberation of Peoples (9th and 10th), International Work Group for Indigenous Affairs (10th), Latin American Federation of Associations of Relatives of Disappeared Detainees (10th), Pax Christi (11th), Service, Peace and Justice in Latin America (10th), World Federation of Trade Unions (10th), World Islamic Call Society (10th), World Muslim Congress (8th), World Organization against Torture (10th).

204. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (11th), India (9th and 10th), Indonesia (9th and 10th), the Libyan Arab Jamahiriya (7th), Pakistan (9th and 10th), Portugal (10th) and Sri Lanka (10th) and by the observers for Algeria (7th), Morocco (9th and 11th), Myanmar (10th) and Turkey (11th).

205. At its 29th meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 9.

206. The representative of Mauritania introduced draft resolution E/CN.4/1993/L.5, sponsored by Afghanistan*, Algeria*, Angola, Bangladesh, Burundi, China, Cuba, Indonesia, Iraq*, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco*, Pakistan, Saudi Arabia*, the Sudan, Tunisia, Zambia and Zimbabwe*. Gabon, Guinea-Bissau, Jordan*, Lesotho, Madagascar*, Oman*, Senegal*, Somalia*, the Syrian Arab Republic, the United Arab Emirates*, Viet Nam* and Yemen* subsequently joined the sponsors.

207. At the request of the representative of Canada, a roll-call vote was taken on the last preambular paragraph of the draft resolution.

208. A statement in explanation of vote before the vote was made by the representative of Canada.

209. The last preambular paragraph was retained by 26 votes to 16, with 5 abstentions. The voting was as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Costa Rica, Gabon, Republic of Korea, Uruguay.

210. The representative of Gabon subsequently indicated that she had intended to vote in favour of the preambular paragraph.

211. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution as a whole.

212. The draft resolution was adopted by 27 votes to 1, with 19 abstentions. The voting was as follows:

In favour: Bangladesh, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gambia, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela, Zambia.

Against: United States of America.

Abstaining: Argentina, Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Gabon, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

213. Statements in explanation of vote after the vote were made by the representatives of Chile, Cyprus, the Islamic Republic of Iran and the Republic of Korea.

214. The representative of Gabon subsequently indicated that she had intended to vote in favour of the draft resolution.

215. The representative of Kenya subsequently stated that had he been present at the voting he would have voted in favour of the draft resolution.

216. For the text as adopted, see chapter II, section A, resolution 1993/4.

217. At the same meeting, the representative of Nigeria introduced draft resolution E/CN.4/1993/L.6, sponsored by Algeria*, Angola, Barbados, Burundi, Cameroon*, Chile, Cuba, Equatorial Guinea*, Ethiopia*, Ghana*, Guinea-Bissau, India, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Peru, Rwanda*, Senegal*, Singapore*, the Sudan, Tunisia, the United Republic of Tanzania*, Zambia and Zimbabwe*. China, Colombia, Iraq* and the Philippines* subsequently joined the sponsors.

218. The draft resolution was adopted without a vote.

219. For the text as adopted, see chapter II, section A, resolution 1993/5.

220. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1993/L.15, sponsored by Argentina, Australia, Austria, Canada, France, Germany, Indonesia, Malaysia, the Netherlands, New Zealand*,

Norway*, the Philippines*, the Republic of Korea, Singapore*, Sweden*, Thailand* and the United States of America. Chile, Finland, Japan and the Russian Federation subsequently joined the sponsors.

221. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

222. The draft resolution was adopted without a vote.

223. For the text as adopted, see chapter II, section A, resolution 1993/6.

224. At the 42nd meeting, the Chairman submitted a draft resolution (E/CN.4/1993/L.30).

225. The draft resolution was adopted without a vote.

226. For the text as adopted, see chapter II, section A, resolution 1993/17.

X. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES; (d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

227. The Commission considered agenda item 10 and sub-items (a), (b), (c) and (d) at its 28th to 34th meetings, on 19, 22 and 23 February, at its 37th and 38th meetings, on 24 February, and at its 57th meeting, on 5 March 1993. 1/

228. In relation to agenda item 10, the Commission had before it the following documents:

Letter dated 17 June 1992 from the Chargé d'affaires of the Permanent Mission of Cyprus to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights at its forty-eighth session (E/CN.4/1993/4);

Report of the Secretary-General on human rights and forensic science submitted pursuant to Commission on Human Rights resolution 1992/24 (E/CN.4/1993/20);

Updated report of the Secretary-General on the detention of international civil servants and their families, prepared pursuant to Commission on Human Rights resolution 1992/26 (E/CN.4/1993/22);

Report of the Working Group on Arbitrary Detention (E/CN.4/1993/24);

Note by the Secretary-General (E/CN.4/1993/27);

Letter dated 29 January 1993 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/86);

Letter dated 25 January 1993 from the Permanent Representative of Burundi to the United Nations Office at Geneva addressed to the Chairman-Rapporteur of the Working Group on Arbitrary Detention of the Commission on Human Rights (E/CN.4/1993/101);

Letter dated 24 February 1993 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/103);

Written statement submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization on the Roster (E/CN.4/1993/NGO/7);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/9);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/10);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/19);

Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/1993/NGO/22);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/43);

Written statement submitted by Pax Christi, a non-governmental oganization in consultative status (category II) (E/CN.4/1993/NGO/47).

229. At the 30th meeting, on 22 February 1993, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, Mr. L. Joinet, introduced the report of the Working Group (E/CN.4/1993/24) to the Commission.

230. In the general debate on item 10, statements 3/ were made by the following members of the Commission: Australia (34th), Austria (28th), Brazil (31st), Canada (33rd), Chile (28th and 30th), Colombia (33rd), Cuba (33rd), Cyprus (33rd), Czech Republic (30th), France (30th), India (33rd), Indonesia (34th), Netherlands (33rd), Pakistan (32nd), Poland (33rd), Portugal (34th), Republic of Korea (35th), Russian Federation (32nd), United States of America (33rd).

231. The Commission also heard statements by the observers for Senegal (28th) and Sweden (31st).

232. The observer for Switzerland made a statement (33rd).

233. The representative of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna made a statement (31st).

234. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (37th), American Association of Jurists (35th), Amnesty International (29th), Andean Commission of Jurists (35th), Arab Lawyers Union (37th), Article 19: the International Centre against Censorship (32nd), Centre Europe-Tiers Monde (38th), Commission for the Defence of Human Rights in Central America (37th), France-Libertés: Fondation Danielle Mitterrand (29th), Human Rights Advocates (35th), International Association against Torture (31st), International Association of Democratic Lawyers (38th), International Association of Educators for World Peace (35th), International Commission of

Jurists (31st), International Educational Development, Inc. (38th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (35th), International Federation of Human Rights (35th), International Federation Terre des Hommes (35th), International Fellowship of Reconciliation (35th), International Human Rights Law Group (31st), International Immigrants Foundation (35th), International Indian Treaty Council (35th), International League for Human Rights (32nd), International League for the Rights and Liberation of Peoples (28th), International Movement for Fraternal Union among Races and Peoples (32nd), International Pen (31st), International Work Group for Indigenous Affairs (32nd), Lawyers Committee for Human Rights (32nd), Liberation (32nd), Movement against Racism and for Friendship among Peoples (32nd), Pax Christi (35th), Pax Romana (32nd), Service, Peace and Justice in Latin America (32nd), War Amputation of Canada (32nd), World Alliance of Reformed Churches (35th), World Christian Life Community (31st), World Conference on Religion and Peace (38th), World Federation of Trade Unions (37th), World Movement of Mothers (31st), World Muslim Congress (32nd), World Press Freedom Committee (35th), World Organization against Torture (29th), World Social Prospects Association (32nd), World Student Christian Federation (38th), World University Service (38th).

235. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (38th), Burundi (30th), China (35th), Cuba (32nd and 38th), Indonesia (41st), the Islamic Republic of Iran (38th), Japan (35th and 38th), Nigeria (32nd), the Syrian Arab Republic (35th), the Sudan (38th) and the United Kingdom of Great Britain and Northern Ireland (35th) and by the observers for Azerbaijan (38th), Ethiopia (38th), the Philippines (41st), Rwanda (33rd) and Turkey (33rd).

236. At its 57th meeting, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 10.

237. On 3 March 1993, a draft resolution (E/CN.4/1993/L.46) had been submitted by Burundi, Cameroon*, Ethiopia*, the Gambia, Kenya, Lesotho, Nigeria, Senegal*, Tunisia, the United Republic of Tanzania* and Zimbabwe*, reading as follows:

> "The Commission on Human Rights,
>
> "Recalling its resolution 1992/31 of 28 February 1992, in which it stressed the desirability of providing States, at their request, with continued assistance in the field of administration of justice,
>
> "Recalling also its resolution 1992/52 of 3 March 1992 on regional arrangements for the promotion and protection of human rights,
>
> "Welcoming resolution AFRM/14 on the administration of justice and human rights adopted on 6 November 1992 by the Regional Meeting for Africa of the World Conference on Human Rights,
>
> "Emphasizing the principle of the indivisibility and interdependence of all human rights and fundamental freedoms,

"*Bearing in mind* that the validity and universality of human rights must be promoted and protected by all,

"*Reaffirming* the primary responsibility of all Governments to ensure respect for human rights and fundamental freedoms,

"*Aware* that any effective system or method of promoting and protecting human rights should take into account the historical, cultural and traditional peculiarities of each society,

"*Recognizing* that the rule of law and proper administration of justice are prerequisites for sustainable economic and social development,

"*Recognizing also* the central role of the administration of justice in the promotion and protection of human rights,

"*Aware* of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

"1. *Emphasizes* that civil and political rights cannot be separated from economic, social and cultural rights or from rights embodied in other international instruments on human rights;

"2. *Reaffirms* the standards set forth in the International Bill of Human Rights, the African Charter on Human and Peoples' Rights and other international and regional human rights instruments;

"3. *Acknowledges* that it is the primary responsibility of all Governments to promote and protect human rights;

"4. *Commends* the considerable efforts of African and other developing countries to improve the administration of justice and to promote and protect human rights notwithstanding the limited financial and material resources at their disposal;

"5. *Urges* Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more resources to them;

"6. *Also urges* Governments to strengthen the existing national and regional human rights institutions, particularly in developing countries, to enable them to contribute more actively to the promotion and protection of human rights;

"7. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights;

"8. Appeals to the international community to provide assistance for the provision of legal aid services with a view to ensuring the promotion, protection and full enjoyment of human rights in African and other developing countries;

"9. Invites the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights in African and other developing countries with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

"10. Commends those developed countries that have over the years given financial assistance to the United Nations programme of advisory services and technical cooperation in the field of human rights, and appeals to them to consider increasing their assistance;

"11. Urges the Secretary-General to consider favourably applications for assistance made by African Member States and other developing countries regarding the creation and strengthening of national institutions concerned with the administration of justice within the framework of the United Nations programme of advisory services and technical cooperation in the field of human rights."

238. At the 57th meeting, the representative of Kenya introduced a revised draft resolution (E/CN.4/1993/L.46/Rev.1), sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.46 and also by Equatorial Guinea*, Madagascar* and Swaziland*.

239. The representative of Kenya orally revised the draft resolution (E/CN.4/1993/L.46/Rev.1) by inserting, in operative paragraph 8, "at the request of the Governments concerned," between the words "assistance" and "for".

240. A statement in connection with the draft resolution as revised was made by the representative of France.

241. The draft resolution, as orally revised, was adopted without a vote.

242. Statements in explanation of their delegations' positions were made by the representatives of France, Indonesia and the Islamic Republic of Iran.

243. For the text as adopted, see chapter II, section A, resolution 1993/32.

244. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1993/L.48, sponsored by Argentina, Austria, Canada, Chile, Costa Rica, the Czech Republic, Denmark*, France, Norway*, Poland, Sweden*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Bulgaria, Cyprus, Gambia, Germany, Japan, the Netherlands, Portugal, the Russian Federation, Switzerland* and Zambia subsequently joined the sponsors.

245. The representative of Canada orally revised the draft resolution as follows:

(a) In the eighth preambular paragraph, the words "to the protection of the right to freedom of opinion and expression" between the word "relevance" and the words "of the work" were deleted, and the words "has finished the first reading and" were inserted between the words "working group" and the words "has commenced";

(b) In operative paragraph 9, the word "particular" between the words "to pay" and the word "attention" was deleted;

(c) In operative paragraph 12, the word "whenever" was replaced by the word "wherever".

246. Statements in connection with the draft resolution were made by the representatives of China, Cuba, the Islamic Republic of Iran, Pakistan and the Syrian Arab Republic.

247. The Commission postponed consideration of draft resolution E/CN.4/1993/L.48.

248. Later in the same meeting, the Commission resumed consideration of draft resolution E/CN.4/1993/L.48. The representative of Canada further orally revised the draft resolution as follows:

(a) In operative paragraphs 1 and 2, the words "in many parts of the world" between the words "extensive occurrence" and the words "of detention" were deleted;

(b) In operative paragraph 6, the words "in all parts of the world" after the words "in this regard" were deleted;

(c) In operative paragraphs 1, 2 and 18, the words "where applicable" were inserted between the words "of Human Rights and" and the words "the International";

(d) In operative paragraph 7, the words "Universal Declaration of Human Rights and, where applicable" were inserted between the words "in the" and the word "International";

(e) In operative paragraphs 9 and 13, the words "as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights" were added at the end of the paragraphs;

(f) In operative paragraph 12, the words "as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights," were inserted before the words "taking into account".

249. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.48.

250. The draft resolution, as orally revised, was adopted without a vote.

251. For the text as adopted, see chapter II, section A, resolution 1993/45.

252. At the same meeting, the representative of the Russian Federation introduced draft resolution E/CN.4/1993/L.49, sponsored by Argentina, the Czech Republic, the Netherlands, Portugal and the Russian Federation. Austria, France, Greece*, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

253. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.49.

254. The draft resolution was adopted without a vote.

255. For the text as adopted, see chapter II, section A, resolution 1993/33.

256. At the same meeting, the representative of France introduced draft resolution E/CN.4/1993/L.55, sponsored by Argentina, Australia, Austria, Belgium*, Bulgaria, Burundi, Chile, Costa Rica, Cyprus, the Czech Republic, Finland, France, Hungary*, Ireland*, Poland, Portugal, the Russian Federation, Rwanda*, Senegal*, Slovakia*, Sweden*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland. Germany, Norway*, the Philippines*, Tunisia and the United States of America subsequently joined the sponsors.

257. The representative of France orally revised the draft resolution by replacing, in operative paragraph 11, the words "on action to promote" by the words "concerning the promotion of".

258. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.55.

259. The draft resolution, as orally revised, was adopted without a vote.

260. For the text as adopted, see chapter II, section A, resolution 1993/36.

261. At the same meeting, the representative of Portugal introduced draft resolution E/CN.4/1993/L.61, sponsored by Austria, Costa Rica, the Czech Republic, France, Greece*, Hungary*, Ireland*, Italy*, Japan, Liechtenstein*, Luxembourg*, the Philippines*, Portugal, Sweden*, and the United Kingdom of Great Britain and Northern Ireland. Australia, Cameroon*, Germany, the Republic of Korea and Slovakia* subsequently joined the sponsors.

262. The representative of Portugal orally revised the draft resolution by inserting, in operative paragraph 5, the word "security," between the words "human rights," and the word "privileges".

263. The draft resolution, as orally revised, was adopted without a vote.

264. For the text as adopted, see chapter II, section A, resolution 1993/39.

265. In view of the adoption of resolution 1993/39 (see paras. 261-264), the Commission took no action on draft resolution VI recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. A).

266. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/1993/L.64, sponsored by Australia, Austria, Belgium*, Canada, Costa Rica, Cyprus, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Hungary*, Italy*, the Netherlands, New Zealand*, Poland, Rwanda*, Spain* and Sweden*. Norway* and Slovakia* subsequently joined the sponsors.

267. The draft resolution was adopted without a vote.

268. For the text as adopted, see chapter II, section A, resolution 1993/41.

269. At the same meeting, the Commission considered draft resolution IV recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. A).

270. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution IV.

271. The draft resolution was adopted without a vote.

272. For the text as adopted, see chapter II, section A, resolution 1993/42.

273. At the same meeting, the Commission considered draft resolution V recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. A).

274. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution V.

275. The draft resolution was adopted without a vote.

276. For the text as adopted, see chapter II, section A, resolution 1993/43.

277. At the same meeting, the Commission considered draft resolution VIII recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. A).

278. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution VIII.

279. The draft resolution was adopted without a vote.

280. For the text as adopted, see chapter II, section A, resolution 1993/44.

281. At the same meeting, the Commission considered draft decision 3 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

282. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft decision 3.

283. The draft decision was adopted without a vote.

284. For the text as adopted, see chapter II, section B, decision 1993/106.

285. At the same meeting, the Commission considered draft decision 8 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

286. The draft decision was adopted without a vote.

287. For the text as adopted, see chapter II, section B, decision 1993/107.

288. At the same meeting, the Commission considered draft decision 11 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

289. The draft decision was adopted without a vote.

290. For the text as adopted, see chapter II, section B, decision 1993/108.

A. Torture and other cruel, inhuman or degrading treatment or punishment

291. In connection with agenda item 10 (a), the Commission had before it the following documents:

Note by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1993/23 and Add.1 and 2);

Report of the Special Rapporteur, Mr. P. Kooijmans, pursuant to Commission on Human Rights resolution 1992/32 (E/CN.4/1993/26);

Letter dated 23 February 1993 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/115);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/18);

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster (E/CN.4/1993/NGO/41).

292. In the general debate on item 10 (a), statements 3/ were made by the following members of the Commission: Australia (34th), Austria (28th), Brazil (31st), China (30th), Colombia (33rd), Cuba (34th), Cyprus (33rd), India (33rd), Indonesia (34th), Poland (33rd), Portugal (34th), Republic of Korea (35th), Romania (33rd), United Kingdom of Great Britain and Northern Ireland (33rd), United States of America (30th).

293. The Commission also heard statements by the following observers: Belgium (30th), Spain (31st), Sweden (31st).

294. A statement was made by the observer for Switzerland (33rd).

295. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (37th), Amnesty International (29th), Arab Lawyers Union (37th), Commission of the Churches on International Affairs of the World Council of Churches (29th), Four Directions Council (28th), France-Libertés: Fondation Danielle Mitterrand (29th), Grand Council of the Crees (of Quebec) (32nd), Human Rights Advocates (35th), International Association of Democratic Lawyers (38th), International Educational Development, Inc. (38th), International Falcon Movement (38th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (35th), International Federation of ACAT (Action of Christians for the Abolition of Torture) (38th), International Federation Terre des Hommes (35th), International Immigrants Foundation (35th), International League for the Rights and Liberation of Peoples (28th), National Aboriginal and Islander Legal Services Secretariat (38th), Pax Christi (35th), Pax Romana (32nd), Women's International League for Peace and Freedom (31st), World Alliance of Reformed Churches (35th), World Conference on Religion and Peace (38th), World Federation of Trade Unions (37th), World Organization against Torture (29th), World University Service (38th).

296. A joint statement was made by the International Council of Jewish Women (28th) on behalf of the following non-governmental organizations: Anglican Consultative Council, Baha'i International Community, Coordinating Council of Jewish Organizations, Grand Council of the Crees (of Quebec), International Abolitionist Federation, International Alliance of Women,

International Association of Democratic Lawyers, International Council of Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, Movement against Racism and for Friendship among Peoples, Pan-Pacific and South-East Asia Women's Association, Socialist International Women, Soroptimist International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Association of Girl Guides and Girl Scouts, World Federation of Methodist Women, World Jewish Congress, World Movement of Mothers, World Union of Catholic Women's Organizations, Zonta International.

297. A statement in exercise of the right of reply was made by the representative of Burundi (30th).

298. At the 57th meeting, on 5 March 1993, the representative of Finland introduced draft resolution E/CN.4/1993/L.57, sponsored by Australia, Austria, Canada, Chile, Costa Rica, the Czech Republic, Denmark*, Finland, France, the Gambia, Germany, Greece*, Hungary*, Iceland*, Ireland*, Italy*, Liechtenstein*, Luxembourg*, the Netherlands, New Zealand*, Norway*, Peru, Poland, Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Cameroon*, and Tunisia subsequently joined the sponsors.

299. The draft resolution was adopted without a vote.

300. For the text as adopted, see chapter II, section A, resolution 1993/38.

301. At the same meeting, the observer for Belgium introduced draft resolution E/CN.4/1993/L.63, sponsored by Argentina, Australia, Austria, Belgium*, Burundi, Cameroon*, Canada, Costa Rica, Cyprus, Denmark*, Finland, France, the Gambia, Germany, Hungary*, Ireland*, Italy*, Liechtenstein*, Luxembourg*, the Netherlands, New Zealand*, Norway*, Portugal, the Russian Federation, Rwanda*, Senegal*, Spain*, Sweden*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland. The Philippines*, Romania, Slovakia* and the United States of America subsequently joined the sponsors.

302. The observer for Belgium orally revised the draft resolution by inserting two new paragraphs after operative paragraph 22 and renumbering the following paragraphs accordingly.

303. A statement in connection with the draft resolution was made by the representative of Cuba.

304. The draft resolution, as orally revised, was adopted without a vote.

305. For the text as adopted, see chapter II, section A, resolution 1993/40.

B. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

306. In relation to agenda item 10 (b), the Commission had before it the following documents:

Report of the Committee against Torture (A/47/44);

Report of the Secretary-General (E/CN.4/1993/21);

Written statement submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization on the Roster (E/CN.4/1993/NGO/7).

307. In the general debate on item 10 (b), statements 3/ were made by the following members of the Commission: China (30th), Poland (33rd), Romania (33rd), United States of America (30th).

308. The Commission also heard statements by the following observers: Belgium (30th), Spain (31st).

309. At the 57th meeting, on 5 March 1993, the representative of Finland introduced draft resolution E/CN.4/1993/L.56, sponsored by Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Chile, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Hungary*, Ireland*, Italy*, Liechtenstein*, Luxembourg*, Mexico, the Netherlands, New Zealand*, Norway*, Panama*, Peru, Poland, Portugal, the Russian Federation, Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Cameroon*, Romania and Venezuela subsequently joined the sponsors. The United States of America subsequently withdrew from the list of sponsors.

310-311. The resolution was adopted without a vote.

312. For the text as adopted, see chapter II, section A, resolution 1993/37.

C. Question of enforced or involuntary disappearances

313. In relation to agenda item 10 (c), the Commission had before it the following documents:

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/10).

314. At the 28th meeting, on 19 February 1993, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevski, introduced the report of the Working Group (E/CN.4/1993/25 and Add.1) to the Commission.

315. In the general debate on item 10 (c), statements were made by the following members of the Commission: Australia (34th), Austria (28th), Brazil (31st), Chile (28th), Costa Rica (30th), Colombia (33rd), Cuba (34th), Cyprus (33rd), India (33rd), Indonesia (34th), Poland (33rd), Portugal (34th), Republic of Korea (35th), Sri Lanka (33rd), United Kingdom of Great Britain and Northern Ireland (33rd).

316. The Commission also heard statements by the observers for: Croatia (30th), Philippines (31st), Senegal (28th), Sweden (31st).

317. A statement was made by the observer for Switzerland (33rd).

318. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (35th), Arab Lawyers Union (37th), Centre Europe-Tiers Monde (38th), Commission of the Churches on International Affairs of the World Council of Churches (29th), Commission for the Defence of Human Rights in Central America (37th), France-Libertés: Fondation Danielle Mitterrand (29th), Human Rights Advocates (35th), International Educational Development, Inc. (38th), International Falcon Movement (38th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (35th), International League for the Rights and Liberation of Peoples (28th), Latin American Federation of Associations of Relatives of Disappeared Detainees (32nd), Pax Romana (32nd), World Organization against Torture (29th), World Student Christian Federation (38th), World University Service (38th).

319. The representative of Burundi made a statement in exercise of the right of reply (30th).

320. At the 57th meeting, on 5 March 1993, the representative of France introduced draft resolution E/CN.4/1993/L.53, sponsored by Argentina, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark*, Finland, France, the Gambia, Greece*, Guinea-Bissau, Hungary*, Ireland*, Italy*, Luxembourg*, Mauritania, Mauritius, the Netherlands, New Zealand*, Norway*, Panama*, Poland, Portugal, the Russian Federation, Rwanda*, Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Cameroon*, the Philippines*, Romania and the United States of America subsequently joined the sponsors.

321. The representative of France orally revised the draft resolution by adding, at the end of operative paragraph 18, the words "and to cooperate closely with the Governments concerned to search for and identify these children".

322. The draft resolution, as orally revised, was adopted without a vote.

323. For the text as adopted, see chapter II, section A, resolution 1993/35.

D. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

324. In relation to agenda item 10 (d), the Commission had before it the following documents:

> Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/28 and Corr.1);
>
> Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/10);
>
> Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/20).

325. At the 28th meeting, on 19 February 1993, the representative of Costa Rica, on behalf of the Chairman-Rapporteur of the working group, Mrs. E. Odio Benito, introduced the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1993/28 and Corr.1).

326. In the general debate on item 10 (d), statements 3/ were made by the following members of the Commission: Australia (34th), Austria (28th), Brazil (31st), Chile (28th), China (30th), Costa Rica (30th), Czech Republic (30th), Poland (33rd), Romania (33rd), United Kingdom of Great Britain and Northern Ireland (33rd).

327. The Commission also heard statements by the observers for: Belgium (30th), Senegal (28th), Sweden (31st).

328. The observer for Switzerland made a statement (33rd).

329. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (35th), International Association against Torture (31st).

330. At the 57th meeting, on 5 March 1993, the representative of Costa Rica introduced draft resolution E/CN.4/1993/L.52, sponsored by Argentina, Austria, Barbados, Belgium*, Brazil, Bulgaria, Burundi, Cameroon*, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark*, Ecuador*, El Salvador*, Finland, France, the Gambia, Greece*, Guatemala*, Honduras*, Hungary*, Italy*, Kenya, Liechtenstein*, Luxembourg*, Madagascar*, the Netherlands, Nicaragua*, Norway*, Panama*, Poland, Portugal, the Russian Federation, Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, Turkey*, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Australia, the Dominican Republic*, Romania and the United States of America subsequently joined the sponsors.

331. A statement in connection with the draft resolution was made by the representative of the Syrian Arab Republic.

332. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.52.

333. The draft resolution was adopted without a vote.

334. For the text as adopted, see chapter II, section A, resolution 1993/34.

XI. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS; (c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

335. The Commission considered agenda item 11 at its 38th and 40th to 44th meetings, on 24 and 26 February and 1 March, and at its 60th, 63rd and 68th meetings, on 8, 9 and 11 March 1993. 1/

336. In relation to agenda item 11, the Commission had before it the following documents:

> Letter dated 9 October 1992 from the Permanent Representative of Peru to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/8);
>
> Report of the Secretary-General on development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1993/29 and Add.1);
>
> Report of the Secretary-General on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (E/CN.4/1993/30);
>
> Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, submitted in accordance with paragraph 10 of Commission on Human Rights resolution 1992/40 (E/CN.4/1993/31);
>
> Report of the Secretary-General on regional arrangements for the promotion and protection of human rights, submitted in accordance with paragraph 12 of Commission on Human Rights resolution 1992/52 (E/CN.4/1993/32);
>
> Report of the Secretary-General on national institutions for the promotion and protection of human rights (E/CN.4/1993/33);
>
> Report of the Secretary-General on civil defence forces, submitted pursuant to Commission on Human Rights resolution 1992/57 (E/CN.4/1993/34);
>
> Note by the Secretary-General transmitting the comprehensive study on the human rights issues related to internally displaced persons prepared by the representative of the Secretary-General purusant to Commission on Human Rights resolution 1992/73 (E/CN.4/1993/35);

Report of the Secretary-General on developments relating to the activities of the Centre for Human Rights (E/CN.4/1993/87);

Note verbale dated 4 February 1993 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/90);

Note by the Secretary-General transmitting the report submitted by the United Nations Observer Mission in El Salvador in accordance with Security Council resolution 693 (1991) (E/CN.4/1993/96);

Letter dated 22 February 1993 from the Permanent Representative of South Africa to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/106);

Letter dated 4 March 1993 from the Permanent Representative of Peru to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/111);

Letter dated 10 March 1993 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/116);

Written statement submitted by Caritas Internationalis, the Commission of the Churches on International Affairs of the World Council of Churches and the Friends World Committee for Consultation, non-governmental organizations in consultative status (category II) (E/CN.4/1993/NGO/2);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/11);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/17);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/32);

Written statement submitted by the Refugee Policy Group, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/39);

Written statements submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/44 and 51).

337. At the 40th meeting, on 25 February 1993, the representative of the Secretary-General on the human rights issues related to internally displaced persons, Mr. F. M. Deng, introduced his comprehensive study (E/CN.4/1993/35) to the Commission.

338. In the general debate on agenda item 11, statements 3/ were made by the following members of the Commission: Australia (38th and 40th), Austria (40th), Canada (40th), China (40th), Costa Rica (44th), Cuba (41st), Cyprus (38th), Mexico (38th), India (41st), Iran (Islamic Republic of) (41st), Nigeria (41st), Poland (41st), Russian Federation (38th), Sri Lanka (41st) Sudan (40th), United States of America (43rd).

339. The Commission also heard statements by the observers for: Armenia (42nd), Azerbaijan (42nd), Cameroon (40th), El Salvador (40th), Hungary (41st), Italy (41st), Morocco (41st), Norway (41st), Philippines (41st), Sweden (42nd).

340. A statement was made by the observer for Switzerland (41st).

341. The observer for the International Organization for Migration made a statement (41st).

342. The observer for the International Committee of the Red Cross made a statement (41st).

343. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (45th), American Association of Jurists (44th), Amnesty International (43rd), Caritas Internationalis (43rd), Centre Europe-Tiers Monde (45th), Christian Democrat International (43rd), Commission for the Defence of Human Rights in Central America (44th), Four Directions Council (41st), Friends World Committee for Consultation (43rd), Human Rights Advocates (44th), International Association against Torture (43rd), International Association of Educators for World Peace (43rd), International Federation of Human Rights (41st), International Immigrants Foundation (44th), International Indian Treaty Council (44th), International League for the Rights and Liberation of Peoples (45th), International Service for Human Rights (43rd), International Work Group on Indigenous Affairs (44th), Islamic African Relief Agency (44th), Latin American Federation of Associations of Relatives of Disappeared Detainees (44th), Service, Peace and Justice in Latin America (44th), Socialist International (44th), World Association for the School as an Instrument for Peace (44th), World Christian Life Community (44th).

344. A joint statement was made by the World Alliance of Reformed Churches and the Anglican Consultative Committee (41st).

345. At the 44th meeting, on 1 March 1993, the representative of the Secretary-General on the human rights issues related to internally displaced persons, Mr. F. M. Deng, made a concluding statement.

346. Statements equivalent to right of reply were made by the observers for Armenia (43rd), Azerbaijan (43rd) and the Philippines (43rd).

347. On 1 March 1993, a draft resolution (E/CN.4/1993/L.45) was submitted by Canada.

348. At the 60th meeting, on 8 March 1993, the representative of Canada introduced a revised draft resolution (E/CN.4/1993/L.45/Rev.1) sponsored by Argentina, Australia, Austria, Barbados, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Finland, the Gambia, Greece*, Ireland*, Italy*, Kenya, Netherlands, New Zealand*, Nigeria, Norway*, Poland, Sweden*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Burundi, the Czech Republic, Denmark*, France, Germany, Jordan*, Madagascar*, Morocco*, the Republic of Korea, Romania, the Russian Federation and Senegal* subsequently joined the sponsors.

349. The fifth preambular paragraph of draft resolution E/CN.4/1993/L.45, which read "Welcoming the report of the Secretary-General (E/CN.6/1993/12) containing a draft declaration on the elimination of violence against women to be submitted to the Commission on the Status of Women at its thirty-seventh session," was reworded in the revised text.

350. In introducing the revised draft resolution, the representative of Canada orally revised operative paragraph 4 by replacing the word "Urges" with the word "Invites".

351. The revised draft resolution was adopted without a vote.

352. For the text as adopted, see chapter II, section A, resolution 1993/46.

353. At the 63rd meeting, on 9 March 1993, the representative of the Czech Republic introduced draft resolution E/CN.4/1993/L.54, sponsored by Angola, Argentina, Australia, Austria, Brazil, Bulgaria, Costa Rica, Cyprus, the Czech Republic, Denmark*, Finland, Germany, Greece*, Hungary*, Japan, Kenya, Mexico, the Netherlands, New Zealand*, Nigeria, Norway*, Peru, Poland, Portugal, Romania, the Russian Federation, Slovakia*, Sweden*, Switzerland*, the United States of America and Uruguay. Canada, Jordan* and the Republic of Korea subsequently joined the sponsors.

354. The draft resolution was adopted without a vote.

355. For the text as adopted, see chapter II, section A, resolution 1993/47.

356. On 3 March 1993, a draft resolution (E/CN.4/1993/L.62) was submitted by Algeria*, Angola, Bangladesh, Burundi, China, Colombia, Cuba, the Democratic People's Republic of Korea*, Equatorial Guinea*, Guinea-Bissau, the Islamic Republic of Iran, Kenya, Lesotho, the Libyan Arab Jamahiriya, Madagascar*, Malaysia, Mauritania, Mexico, Mozambique*, Nigeria, Pakistan, Peru, the Sudan, the Syrian Arab Republic, the United Republic of Tanzania*, Viet Nam*, Zambia and Zimbabwe*, reading as follows:

"The Commission on Human Rights,

"Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms for all are legitimate concerns of the world community, "Bearing in mind that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

"Bearing in mind also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Recalling that, in accordance with Article 55 of the Charter of the United Nations, the Organization shall promote universal respect for, and observance of, human rights and fundamental freedoms for all, with a view to creating conditions of stability and well-being that are necessary for peaceful and friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples and that, in accordance with Article 56, all Members pledge themselves to take joint and separate action, in cooperation with the Organization, for the achievement of the purposes set forth in Article 55,

"Desirous of further strengthening international cooperation in the field of promoting and encouraging respect for all human rights and fundamental freedoms,

"Deeply convinced that such cooperation should be based on the principles embodied in international law, especially the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

"Underlining the fact that the Charter of the United Nations rightly places the question of the observance and promotion of all human rights and fundamental freedoms in the context of international cooperation,

"Convinced that, in order to be fully effective in the field of human rights, this cooperation should in addition be based on a deep understanding of the wide variety of problems existing in all societies and on full respect for the historical, political, economic, social, religious and cultural realities of each of them, in strict conformity with the purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

"Bearing in mind the important contribution that accurate, impartial and objective information can make to achieving such understanding and full respect, "Convinced that no country or group of countries may assume the right to sit in judgement of other countries on such a crucial and sensitive issue which concerns the whole of the world community,

"Recalling General Assembly resolutions 32/130 of 16 December 1977, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

"Bearing in mind General Assembly resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981,

"Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends,

"Underlining the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms for all and the duty that all Governments have to carry out the obligations they have undertaken under international law, especially the Charter of the United Nations, as well as various international instruments in the field of human rights, and to respect and enforce, in good faith, their domestic legislation in conformity with those instruments,

"Affirming the importance of the objectivity, independence and discretion to be exercised by the special rapporteurs on thematic issues and by countries, as well as by members of the working groups and bodies set up in compliance with United Nations human rights instruments, in carrying out their mandates,

"Bearing in mind the need for the World Conference on Human Rights to recommend appropriate measures to ensure the universality, objectivity and non-selectivity of the consideration of human rights issues in accordance with the provisions of General Assembly resolution 47/122 of 18 December 1992,

"Bearing in mind its resolutions 1991/79 of 6 March 1991, and 1992/39 of 28 February 1992,

"Reaffirming General Assembly resolutions 45/163 of 18 December 1990, 46/129 of 17 December 1991 and 47/131 of 18 December 1992,

"1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples, all peoples have the right to determine freely, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter of the United Nations, including respect for territorial integrity;

"2. Reaffirms that it is the purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote, encourage respect for and achieve the full realization of all human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

"3. Also reaffirms that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

"4. Expresses its conviction that an impartial and fair approach to human rights contributes to the promotion of international cooperation and to the promotion, protection and effective realization of human rights and fundamental freedoms;

"5. Calls upon all Member States to base their activities for the promotion, protection and full realization of all human rights and fundamental freedoms, including the development of further international cooperation in this field, on the Charter of the United Nations, the International Covenants on Human Rights and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework;

"6. Reaffirms that such cooperation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion and full realization of all human rights and fundamental freedoms for all and to the strengthening of international peace and security;

"7. Underlines, in this context, the continuing need for accurate, impartial and objective information on the political, economic and social situations and events in all countries;

"8. Requests all human rights bodies within the United Nations system, as well as special rapporteurs, special representatives, independent experts, working groups appointed or established as special procedures and bodies set up in accordance with United Nations human rights instruments, duly to take into account the contents of the present resolution in carrying out their respective responsibilities;

"9. Recognizes the valuable role that non-governmental organizations can play in the field of human rights;

"10. Takes note of the Secretary-General's report on strengthening United Nations action in the field of human rights (E/CN.4/1993/30);

"11. Requests the Secretary-General to continue gathering information and comments from all Member States on the basis of the present resolution, for their timely transmission to the World Conference on Human Rights and the Commission on Human Rights at its fiftieth session, so that they may be considered in formulating relevant proposals, including various ways and means of strengthening United Nations action in this regard;

"12. Further requests the Secretary-General, on the basis of the deliberations and results of the World Conference on Human Rights and of the comments made by Governments, to prepare and submit to the Commission on Human Rights, at its fiftieth session, a detailed report on various ways and means of promoting international cooperation and strengthening United Nations action in the field of human rights, in accordance with the principles of non-selectivity, impartiality and objectivity;

"13. Stresses the need for the World Conference on Human Rights to study all aspects of human rights on the basis of the principles of universality, indivisibility, objectivity, impartiality and non-selectivity, in order to ensure that its results are fair and balanced;

"14. Decides to continue its consideration of this question at its fiftieth session under the agenda item entitled 'Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission'."

357. At the 63rd meeting, the representative of Cuba introduced a revised draft resolution (E/CN.4/1993/L.62/Rev.1) sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.62 and also by Gabon, Indonesia, Somalia*, Sri Lanka and Yemen*.

358. The revised draft resolution was adopted without a vote.

359. For the text as adopted, see chapter II, section A, resolution 1993/59.

360. At the same meeting, the representative of Peru introduced draft resolution E/CN.4/1993/L.69, sponsored by Angola, Argentina, Bangladesh, Bolivia*, Bulgaria, Cameroon*, Colombia, Cyprus, the Czech Republic, Ecuador*, Germany, Greece*, Hungary*, India, the Islamic Republic of Iran, Ireland*, Italy*, Japan, Kenya, Madagascar*, Malaysia, Nicaragua*, Nigeria, Panama*, Peru, the Philippines*, Poland, Portugal, the Russian Federation, Slovakia*, Spain*, Sri Lanka, Uruguay and Venezuela. Jordan* subsequently joined the sponsors.

361. The draft resolution was adopted without a vote.

362. For the text as adopted, see chapter II, section A, resolution 1993/48.

363. At the same meeting, the observer for Italy introduced draft resolution E/CN.4/1993/L.70, sponsored by Albania*, Algeria*, Argentina, Australia, Bulgaria, Chile, the Czech Republic, El Salvador*, Germany, Greece*, Haiti*,

Ireland*, Italy*, Latvia*, Mexico, Morocco*, the Netherlands, Peru, Poland, Portugal, Romania, the Russian Federation, Rwanda*, Senegal*, Slovakia*, Sweden*, Switzerland* and Uruguay. Jordan*, Madagascar* and Nicaragua* subsequently joined the sponsors.

364. A statement in connection with the draft resolution was made by the representative of Cuba.

365. The draft resolution was adopted without a vote.

366. For the text as adopted, see chapter II, section A, resolution 1993/49.

367. At the same meeting, the representative of Brazil introduced draft resolution E/CN.4/1993/L.71, sponsored by Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Cameroon*, Canada, Chile, Colombia, Costa Rica, the Czech Republic, France, the Gambia, Greece*, Lesotho, Nigeria, Norway*, Peru, Poland, Portugal, the Russian Federation, Senegal*, the United States of America, Uruguay and Venezuela. Germany, India, Jamaica*, Jordan*, Kenya, Madagascar*, Nicaragua*, Romania, Tunisia, Turkey* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

368. The draft resolution was adopted without a vote.

369. For the text as adopted, see chapter II, section A, resolution 1993/50.

370. At the same meeting, the observer for Belgium introduced draft resolution E/CN.4/1993/L.72, sponsored by Argentina, Australia, Austria, Belgium*, Cameroon*, Costa Rica, Cyprus, Denmark*, El Salvador*, Germany, Greece*, Guatemala*, Honduras*, Hungary*, Ireland*, Italy*, Japan, Mauritania, the Netherlands, Nigeria, Norway*, Romania, the Russian Federation, Senegal* and Venezuela. Indonesia, Jordan*, Kenya, Nicaragua* and the Philippines* subsequently joined the sponsors.

371. The draft resolution was adopted without a vote.

372. For the text as adopted, see chapter II, section A, resolution 1993/51.

373. At the same meeting, the observer for Greece introduced draft resolution E/CN.4/1993/L.73, sponsored by Afghanistan*, Albania*, Angola, Argentina, Armenia*, Australia, Austria, Barbados, Belgium*, Brazil, Bulgaria, Burundi, Cameroon*, Canada, Chile, Colombia, Costa Rica, Croatia*, Cyprus, the Czech Republic, Denmark*, El Salvador*, Equatorial Guinea*, Estonia*, Ethiopia*, Finland, France, the Gambia, Germany, Greece*, Guatemala*, Guinea-Bissau, Haiti*, Hungary*, Iceland*, Ireland*, Italy*, Kenya, Latvia*, Lebanon*, Liechtenstein*, Lesotho, Luxembourg*, Madagascar*, Malta*, Mauritania, Morocco*, the Netherlands, New Zealand*, Nicaragua*, Nigeria, Norway*, Peru, Poland, Portugal, the Republic of Korea, Romania, Senegal*, Slovakia*, Spain*, Sri Lanka, Sweden*, Switzerland*, Tunisia, Turkey*, Uruguay, Venezuela and Zimbabwe*. Cuba, Jordan*, the Philippines* and the Russian Federation subsequently joined the sponsors.

374. The draft resolution was adopted without a vote.

375. For the text as adopted, see chapter II, section A, resolution 1993/52.

376. At the same meeting, the representative of Poland introduced draft resolution E/CN.4/1993/L.74, sponsored by Armenia*, Australia, Austria, Bulgaria, Cameroon*, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Finland, the Gambia, Germany, Greece*, Italy*, Kenya, Latvia*, the Netherlands, Norway*, Poland, Portugal, the Russian Federation, Slovakia*, Sweden* and the United States of America. Madagascar* subsequently joined the sponsors.

377. The draft resolution was adopted without a vote.

378. For the text as adopted, see chapter II, section A, resolution 1993/53.

379. At the same meeting, the representative of Poland introduced draft resolution E/CN.4/1993/L.75, sponsored by Chile, Costa Rica, Cyprus, the Czech Republic, Latvia*, the Netherlands, Poland, the Russian Federation, Slovakia* and the United States of America. Madagascar* subsequently joined the sponsors.

380. The draft resolution was adopted without a vote.

381. For the text as adopted, see chapter II, section A, resolution 1993/54.

382. At the 63rd meeting, the Commission postponed consideration of draft resolutions A and B contained in document E/CN.4/1993/L.76, sponsored by Bangladesh, Bhutan*, China, India, Indonesia, the Islamic Republic of Iran, Jordan*, Malaysia, Myanmar*, Nepal*, Pakistan, Sri Lanka, the Sudan, the Syrian Arab Republic and Yemen*, which read as follows:

"A

"Documentation

"The Commission on Human Rights,

"Recalling General Assembly resolutions 47/202 B of 22 December 1992 and 37/14 C of 16 November 1982,

"Aware of increasingly severe difficulties regarding timely distribution of Commission on Human Rights documents,

"Noting that pre-session distribution of substantive reports, including in particular those of the special representatives, special rapporteurs, independent experts and thematic working groups, is necessary to allow thorough, meaningful and reliable consideration by members of the Commission,

"Bearing in mind that the extensive length of reports is the main problem in the timely distribution of documents as they generally exceed the 32-page limit established by the relevant United Nations resolutions, "1. _Decides_ that all reports of the Commission should follow the standards and guidelines set by the United Nations and that they should not exceed the 32-page limitation;

"2. _Requests_ the secretariat to make all necessary arrangements to ensure that substantive documents, in particular the reports of the special representatives, special rapporteurs, independent experts and thematic working groups, are distributed in all languages no less than six weeks before the commencement of the work of the Commission;

"3. _Decides_ to keep the matter under review at its fiftieth session.

"B

"_Appointments of special representatives, special rapporteurs and independent experts_

"_The Commission on Human Rights_,

"_Recalling_ the long-established principle of equitable geographical distribution of posts and responsibilities reiterated in various United Nations resolutions,

"_Aware_ of the fact that the principle of equitable geographical distribution has not been properly observed in the appointments of special representatives, special rapporteurs and independent experts of the Commission,

"_Emphasizing_ the urgent need to adjust the current appointments in a manner to enhance the participation of all regions in the discharge of different tasks,

"_Relying_ at the same time on the competence and qualifications of candidates for appointments,

"1. _Requests_ the Chairman of the Commission, in consultation with the Bureau and the five geographical regions, to take measures to rectify the present geographical imbalance in the appointments of special representatives, special rapporteurs and independent experts in a manner which ensures observance of the principle of equitable geographical distribution to the maximum possible extent;

"2. _Requests_ the Secretary-General to submit a report on the geographical distribution of the posts of special representatives, special rapporteurs and independent experts for further consideration by the Commission;

"3. _Decides_ to review the matter and evaluate progress achieved at its fiftieth session."

383. At the 68th meeting, on 11 March 1993, the representative of the Islamic Republic of Iran introduced a revised draft resolution (E/CN.4/1993/L.76/Rev.1) sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.76. Zimbabwe* subsequently joined the sponsors.

384. Statements in connection with the revised draft resolution were made by the representatives of Cuba, France, the Islamic Republic of Iran and the United States of America.

385. The draft resolution was adopted without a vote.

386. Statements in explanation of their delegations' positions were made by the representatives of Canada, Cuba, Nigeria and the United States of America.

387. Subsequently, at the 69th meeting, on 12 March 1993, the representative of Malaysia also made a statement.

388. For the text as adopted, see chapter II, section A, resolution 1993/94.

389. At the 63rd meeting, the representative of Australia introduced draft resolution E/CN.4/1993/L.77, sponsored by Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Burundi, Cameroon*, Canada, Costa Rica, the Czech Republic, Denmark*, Finland, France, the Gambia, Greece*, Hungary*, Indonesia, Kenya, Mexico, the Netherlands, New Zealand*, Nigeria, Norway*, the Philippines*, Poland, Romania, the Russian Federation, Senegal*, Spain*, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Jordan* subsequently joined the sponsors.

390. The draft resolution was adopted without a vote.

391. A statement in explanation of his delegation's position was made by the representative of India.

392. For the text as adopted, see chapter II, section A, resolution 1993/55.

393. At the same meeting, the representative of Costa Rica introduced draft resolution E/CN.4/1993/L.78, sponsored by Argentina, Barbados, Chile, Colombia, Costa Rica, Ecuador*, El Salvador*, Guatemala*, Honduras*, the Islamic Republic of Iran, Nicaragua*, Panama*, Uruguay and Venezuela. Cameroon*, Jordan*, Madagascar*, Nigeria and Portugal subsequently joined the sponsors.

394. The representative of Costa Rica orally revised the draft resolution as follows:

(a) The fifth preambular paragraph, which read "Considering that illiteracy and restricted access to all-round education is one of mankind's main problems and that this impinges on the development process of our peoples," was replaced by a new paragraph;

(b) In operative paragraph 8, the words "as well as programmes for the promotion of literacy," were inserted between the word "programmes" and the words "and to allocate funds";

(c) In operative paragraph 9, the words "in the light of the recommendations of the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, being held at Montreal, Canada, from 8 to 11 March 1993" were inserted after the words "human rights education,", and the words "incorporating a world campaign for the dissemination and knowledge of fundamental rights through education" at the end of the paragraph, were deleted.

395. The draft resolution, as orally revised, was adopted without a vote.

396. For the text as adopted, see chapter II, section A, resolution 1993/56.

397. At the same meeting, the representative of Indonesia introduced draft resolution E/CN.4/1993/L.79, sponsored by Australia, China, France, Indonesia, the Islamic Republic of Iran, New Zealand*, the Philippines*, the Republic of Korea and Sri Lanka. Japan subsequently joined the sponsors.

398. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.79.

399. The draft resolution was adopted without a vote.

400. For the text as adopted, see chapter II, section A, resolution 1993/57.

401. At the same meeting, the representative of Austria introduced draft decision E/CN.4/1993/L.83, sponsored by Austria which read as follows:

"Establishment of an emergency mechanism of the Commission on Human Rights

> "At its ... meeting on .. March 1993, the Commission, recalling its resolution 1992/55 of 3 March 1992 and the annex thereto concerning the proposal for the establishment of an emergency mechanism of the Commission on Human Rights, considering that an emergency mechanism of the Commission will enable the United Nations to react appropriately and immediately to acute situations arising from gross violations of human rights wherever and whenever they occur, conscious of the need to ensure and further enhance the effective functioning of all mechanisms established by the Commission on Human Rights, noting that the World Conference on Human Rights is to discuss recommendations to enhance the effectiveness of United Nations activities and mechanisms in the field of human rights, decided to resume consideration of the proposal for an emergency mechanism of the Commission on Human Rights at its fiftieth session in the light of the recommendations of the World Conference on Human Rights."

402. The Commission postponed consideration of the draft decision.

403. At the 68th meeting, the Commission resumed consideration of draft decision E/CN.4/1993/L.83.

404. The representative of Austria orally revised the draft decision to read as follows:

> "At its ... meeting, on ... March 1993, the Commission, recalling its resolution 1992/55 of 3 March 1992 and the annex thereto concerning the proposal for the establishment of an emergency mechanism of the Commission on Human Rights, decided to postpone consideration of the proposal for an emergency mechanism of the Commission on Human Rights to its fiftieth and subsequent sessions."

405. Statements in connection with the draft decision as orally revised were made by the representatives of Austria, Bangladesh, China, Cuba, Cyprus, France, India, Indonesia, the Islamic Republic of Iran, Malaysia, Nigeria, Pakistan, Sri Lanka and the Syrian Arab Republic.

406. The representative of the Syrian Arab Republic proposed to amend the title of the draft decision by adding at the beginning the words "Proposal for the".

407. The representative of France proposed the addition of the words "Question of the" at the beginning of the title.

408. The representative of Malaysia proposed that the revised draft decision be amended by replacing the words "and subsequent sessions" by the words "or a subsequent session".

409. The representative of Austria accepted the proposals for amendment as follows:

(a) The title should read "Proposal for the establishment of an emergency mechanism of the Commission on Human Rights";

(b) The words "and subsequent sessions" should be replaced by the words "or a subsequent session".

410. The draft decision, as orally revised and amended, was adopted without a vote.

411. The representative of Canada made a statement in explanation of his delegation's position.

412. For the text as adopted, see chapter II, section B, decision 1993/115.

413. At the 63rd meeting, the representative of Austria introduced draft resolution E/CN.4/1993/L.105, sponsored by Argentina, Australia, Austria, Burundi, Canada, Costa Rica, Cyprus, the Czech Republic, Denmark*, Finland, France, the Gambia, Germany, Hungary*, Italy*, Lebanon*, Lesotho, Nigeria,

Norway*, Poland, the Russian Federation, the Sudan, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Zambia which read as follows:

"The Commission on Human Rights,

"Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

"Recalling the relevant norms of international human rights instruments as well as of international humanitarian law,

"Deeply disturbed by the large number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

"Recognizing that internally displaced persons are in need of relief assistance and of protection,

"Conscious of the human rights dimensions of internally displaced persons,

"Aware of the absence of a focal point within the United Nations system to gather information on the situation of the internally displaced persons and also of the absence of a funding mechanism,

"Recalling its resolution 1992/73 of 5 March 1992, in which it requested the Secretary-General to designate a representative to seek again views and information from all Governments on the human rights issues related to internally displaced persons, including an examination of existing international human rights, humanitarian and refugee law and standards and their applicability to the protection of and relief assistance to internally displaced persons,

"Noting with appreciation the efforts undertaken by the Representative of the Secretary-General to prepare the study, in implementation of his mandate in the short time available to him,

"Welcoming the active participation of the Representative of the Secretary-General in the missions of the Special Rapporteur on the situation of human rights in the former Yugoslavia,

"Noting that the Representative of the Secretary-General has identified a number of tasks requiring further attention and study including the compilation of existing rules and norms and the question of general guiding principles to govern the treatment of internally displaced persons, in particular their protection and the provision of relief assistance, and also noting his suggestions and recommendations, "1. Takes note with appreciation of the comprehensive study contained in the annex to the note by the Secretary-General (E/CN.4/1993/35) and of the useful suggestions and recommendations contained therein;

"2. Commends the Representative of the Secretary-General for his study and for the way he has started to discharge his mandate;

"3. Expresses its appreciation to Governments, in particular those which enabled the Representative to undertake on-site visits, as well as to bodies, programmes and organizations of the United Nations system, and to intergovernmental and non-governmental organizations for the cooperation extended to the Representative of the Secretary-General;

"4. Requests the Secretary-General to mandate his Representative for a period of three years to continue his work aimed at a better understanding of the inherent problems and their possible long-term solutions, especially with a view to taking appropriate measures, at the same time intensifying his dialogue with Governments and relevant international organizations with a view to seeking improved protection and assistance to internally displaced persons including special measures for the protection of vulnerable groups, particularly women and children;

"5. Welcomes the cooperation already established between the Representative of the Secretary-General and other United Nations mechanisms and procedures in the field of human rights, and encourages the continuation of this cooperation;

"6. Calls upon all Governments, regional intergovernmental organizations, the Department for Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross and non-governmental organizations to continue to cooperate with the Representative and assist him in his tasks and activities;

"7. Further calls upon all Governments to continue to facilitate the tasks and activities of the Representative, particularly by extending invitations for country visits;

"8. Requests the Representative of the Secretary-General to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly and to make any suggestions and recommendations enabling him to better carry out his tasks and activities;

"9. Decides to continue consideration of the question of internally displaced persons at its fiftieth session."

414. The Commission postponed consideration of the draft resolution.

415. At the 68th meeting, the representative of Austria introduced a revised draft resolution (E/CN.4/1993/L.105/Rev.1), sponsored by the same member and

observer States as draft resolution E/CN.4/1993/L.105 except for Germany, which withdrew as a sponsor. Greece*, Japan, Peru and Zimbabwe* subsequently joined as sponsors.

416. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.105/Rev.1.

417. The revised draft resolution was adopted without a vote.

418. For the text as adopted, see chapter II, section A, resolution 1993/95.

419. At the 63rd meeting, the representative of Cuba introduced draft resolution E/CN.4/1993/L.111, sponsored by Algeria*, Angola, China, Cuba, Lesotho, Malaysia, Sri Lanka and the Syrian Arab Republic. Burundi, Indonesia, the Islamic Republic of Iran, Kenya, Nigeria, Pakistan, the Sudan, Zambia, and Zimbabwe* subsequently joined the sponsors.

420. The representative of the United Kingdom of Great Britain and Northern Ireland requested a roll-call vote on the draft resolution.

421. Statements in explanation of vote before the vote were made by the representatives of Australia, Austria, Brazil, Canada, Chile, Finland, France, the Russian Federation, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

422. The draft resolution was adopted by 33 votes to 16, with 3 abstentions. The voting was as follows:

In favour: Angola, Argentina, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Uruguay, Venezuela, Zambia.

Against: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cyprus, Mauritius, Republic of Korea.

423. Statements in explanation of vote after the vote were made by the representatives of Burundi, India, the Syrian Arab Republic and Zambia.

424. Subsequently, at the 69th meeting, on 12 March 1993, the representative of Malaysia also made a statement.

425. For the text as adopted, see chapter II, section A, resolution 1993/58.

426. On 5 March 1993, a draft decision (E/CN.4/1993/L.112) was submitted by Angola, Colombia and Cuba, reading as follows:

> "At its ... meeting, on ... March 1993, the Commission on Human Rights decided to request the World Conference on Human Rights to carry out a thorough analysis, under item 12 (a) of its agenda, on alternative approaches and ways and means within the United Nations system for fostering the promotion, protection and effective implementation of all human rights and fundamental freedoms, through action by the various institutions in the system with responsibilities in this field, bearing in mind, *inter alia*, the various historical, political, economic, social, religious and cultural contexts existing in the world, the indivisibility and interdependence of all human rights and the purposes and principles set out in the Charter of the United Nations and Articles 55 and 56 thereof."

427. At the 63rd meeting, the draft decision was withdrawn by the sponsors.

428. At the 68th meeting, the Chairman submitted a draft resolution (E/CN.4/1993/L.120).

429. The representative of India made a statement in connection with the draft resolution.

430. The draft resolution was adopted without a vote.

431. Statements in explanation of their delegations' positions were made by the representatives of Austria, India and Mexico.

432. For the text as adopted, see chapter II, section A, resolution 1993/96.

XII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING: (a) QUESTION OF HUMAN RIGHTS IN CYPRUS; (b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

433. The Commission considered agenda item 12 and sub-item (a) at its 45th to 55th, 58th and 59th meetings, on 1 to 8 March, and at its 65th to 68th meetings, on 10 and 11 March 1993. 1/ Item 12 (b) was considered by the Commission in closed session (see para. 574 below).

434. In connection with the consideration of agenda item 12, the Commission had before it the following documents:

Note by the Secretariat (E/CN.4/1993/7);

Report on the situation of human rights in Myanmar, prepared by the Special Rapporteur, Mr. Yozo Yokota, in accordance with Commission resolution 1992/58 (E/CN.4/1993/37);

Report of the Secretary-General on cooperation with representatives of United Nations human rights bodies, submitted in accordance with Commission resolution 1992/59 (E/CN.4/1993/38);

Report on the situation of human rights in Cuba submitted by the Special Rapporteur, Mr. Carl-Johan Groth, in accordance with Commission resolution 1992/61 (E/CN.4/1993/39);

Report of the Secretary-General on the situation of human rights in Romania submitted pursuant to Commission resolution 1992/64 (E/CN.4/1993/40);

Final report on the situation of human rights in the Islamic Republic of Iran submitted by the Special Representative of the Commission, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1992/67 (E/CN.4/1993/41 and Add.1);

Final report on the situation of human rights in Afghanistan submitted by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission resolution 1992/68 (E/CN.4/1993/42);

Report of the Secretary-General on the situation of human rights in Albania, submitted pursuant to Commission resolution 1992/69 (E/CN.4/1993/43);

Report of the Secretary-General on the situation of human rights in southern Lebanon (E/CN.4/1993/44);

Report on the situation of human rights in Iraq, prepared by the Special Rapporteur, Mr. Max van der Stoel, in accordance with Commission resolution 1992/71 (E/CN.4/1993/45);

Report on extrajudicial, summary or arbitrary executions submitted by the Special Rapporteur, Mr. Bacre Waly Ndiaye, pursuant to Commission resolution 1992/72 (E/CN.4/1993/46);

Report on the situation of human rights in Haiti, submitted by the Special Rapporteur, Mr. Marco Tulio Bruni Celli, in accordance with Commission resolution 1992/77 (E/CN.4/1993/47);

Report on the human rights situation in Equatorial Guinea submitted by the Expert of the Commission, Mr. Fernando Volio Jiménez, pursuant to Commission resolution 1992/79 (E/CN.4/1993/48);

Report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49);

Letter dated 28 October 1992 from the Permanent Representative of the Russian Federation to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/1993/75);

Note verbale dated 29 December 1992 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/76);

Note verbale dated 29 December 1992 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/79);

Letter dated 29 January 1993 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/86);

Notes verbales dated 17 and 19 February 1993 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/95 and E/CN.4/1993/99);

Note verbale dated 22 February 1993 from the Permanent Mission of Kuwait to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/102);

Note verbale dated 23 February 1993 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/104);

Note verbale dated 26 February 1993 from the Permanent Representative of Myanmar to the United Nations Office at Geneva addressed to the Secretary-General (E/CN.4/1993/105);

Letter dated 2 March 1993 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/114);

Letter dated 10 March 1993 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/116);

Letter dated 10 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/117);

Written statements submitted by Amnesty International, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/6, E/CN.4/1993/NGO/8);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/12);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/16);

Written statement submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization on the Roster (E/CN.4/1993/NGO/23);

Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/26);

Written statement submitted by the Interntional Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/27);

Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/28);

Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/1993/NGO/31);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/38);

Written statement submitted by the World Confederation of Labour, a non-governmental organization in consultative status (category I); the American Association of Jurists, the International Association of Educators for World Peace, the International Federation of Human Rights, the International League for the Rights and Liberation of Peoples, the

Latin American Federation of Associations of Relatives of Disappeared Detainees and Pax Christi, non-governmental organizations in consultative status (category II); and the Centre Europe-Tiers Monde, the Movement against Racism and for Friendship among Peoples and the World Organization against Torture, non-governmental organizations on the Roster (E/CN.4/1993/NGO/48);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/49);

Written statement submitted by International Educational Development, Inc., a non-governmental organizations on the Roster (E/CN.4/1993/NGO/50);

Written statement submitted by the Women's International Democratic Federation, the World Confederation of Labour, the World Federation of Trade Unions and the World Muslim Congress, non-governmental organizations in consultative status (category I); the American Association of Jurists, the Arab Lawyers Union, the General Arab Women Federation, the International Association for the Defence of Religious Liberty, the International Association of Democratic Lawyers, the International Indian Treaty Council, the International League for the Rights and Liberation of Peoples, the International Organization for the Elimination of All Forms of Racial Discrimination, the Latin American Federation of Associations of Relatives of Disappeared Detainees, Service, Justice and Peace in Latin America, the Union of Arab Jurists, the Women's International League for Peace and Freedom and the World Young Women's Christian Association, non-governmental organizations in consultative status (category II); the Centre Europe Tiers-Monde, the Indian Council of South America, International Educational Development, Inc., the International Peace Bureau, the International Progress Organization, the Movement against Racism and for Friendship among Peoples, the World Christian Life Community, the World Peace Council and the World Social Prospects Association, non-governmental organizations on the Roster (E/CN.4/1993/NGO/52).

435. At the 47th meeting, on 2 March 1993, the Special Representative on the situation of human rights in the Islamic Republic of Iran, Mr. Reynaldo Galindo Pohl, introduced his report (E/CN.4/1993/41 and Add.1) to the Commission.

436. At the same meeting, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his report (E/CN.4/1993/45) to the Commission.

437. At the 48th meeting, on 2 March 1993, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Yozo Yokota, introduced his report (E/CN.4/1993/37) to the Commission.

438. At the same meeting, the Special Rapporteur on the situation of human rights in Afghanistan, Mr. Felix Ermacora, introduced his report (E/CN.4/1993/42) to the Commission.

439. At the same meeting, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, introduced his report (E/CN.4/1993/46) to the Commission.

440. At the same meeting, the Expert on the situation of human rights in Equatorial Guinea, Mr. Fernando Volio Jiménez, introduced his report (E/CN.4/1993/48) to the Commission.

441. At the same meeting, the Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth, introduced his report (E/CN.4/1993/39) to the Commission.

442. In the general debate on agenda item 12, statements 3/ were made by the following members of the Commission: Argentina (49th), Australia (54th), Austria (50th), Barbados (50th), Brazil (53rd), Bulgaria (49th), Canada (45th), Chile (50th and 55th), China (45th and 53rd), Colombia (54th), Cuba (48th and 55th), Cyprus (49th), Czech Republic (49th), Finland (49th), Guinea-Bissau (45th), India (49th and 50th), Indonesia (54th), Iran (Islamic Republic of) (54th), Japan (50th), Mexico (53rd), Netherlands (47th), Nigeria (49th), Pakistan (45th), Poland (51st), Republic of Korea (51st), Romania (51st), Russian Federation (54th), Sri Lanka (49th and 50th), Syrian Arab Republic (53rd), Venezuela (49th), United States of America (50th).

443. The Commission heard statements by the observers for: Afghanistan (55th), Albania (46th), Armenia (51st), Democratic People's Republic of Korea (54th), Denmark (on behalf of the European Community and its member States) (45th), Equatorial Guinea (46th), Ethiopia (51st), Greece (51st), Haiti (51st), Hungary (55th), Kuwait (51st), Iraq (49th), Lebanon (49th), Liechtenstein (54th), Myanmar (49th), Norway (51st), Rwanda (46th), Sweden (55th), Turkey (46th), Viet Nam (51st).

444. The observer for Switzerland made a statement (55th).

445. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (55th), All Pakistan Women's Association (46th), American Commission of Jurists (46th), Amnesty International (46th), Andean Commission of Jurists (55th), Anglican Consultative Council (52nd), Anti-Slavery Society for the Protection of Human Rights (58th), Arab Lawyers Union (50th), Arab Organization for Human Rights (51st), Asian Cultural Forum on Development (52nd), Baha'i International Community (59th), Centre Europe-Tiers Monde (58th), Christian Democrat International (52nd), Commission for the Defence of Human Rights in Central America (50th), Commission of the Churches on International Affairs of the World Council of Churches (46th), Disabled People's International (59th), France-Libertés: Foundation Danielle Mitterrand (46th), Human Rights Advocates (46th), International Association against Torture (46th), International Association for the Defence of Religious Liberty (52nd), International Association of Democratic Lawyers (52nd), International

Association of Educators for World Peace (52nd), International Commission of Jurists (51st), International Confederation of Free Trade Unions (52nd), International Educational Development, Inc., (52nd), International Falcon Movement (58th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (58th), International Federation of Human Rights (46th), International Federation of Pedestrians (55th), International Fellowship of Reconciliation (52nd), International Human Rights Internship Program (58th), International Human Rights Law Group (46th), International Immigrants Foundation (58th), International Indian Treaty Council (58th), International League for Human Rights (52nd), International League for the Rights and Liberation of Peoples (55th), International Movement for Fraternal Union among Races and Peoples (52nd), International Peace Bureau (59th), International Union of Young Christian Democrats (52nd), Inter-Parliamentary Union (52nd), International Work Group for Indigenous Affairs (52nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (55th), Lawyers Committee for Human Rights (51st), Liberation (52nd), Minority Rights Group (59th), Movement against Racism and for Friendship among Peoples (58th), National Aboriginal and Islander Legal Service Secretariat (58th), Pax Christi (52nd), Pax Romana (52nd), Service, Justice and Peace in Latin America (52nd), Socialist International (52nd), Survival International (52nd), Third World Movement against the Exploitation of Women (58th), Union of Arab Jurists (52nd), Women's International League for Peace and Freedom (52nd), World Alliance of Reformed Churches (46th), World Christian Life Community (58th), World Conference on Religion and Peace (55th), World Federalist Movement (52nd), World Federation of Democratic Youth (59th), World Federation of Trade Unions (52nd), World Muslim Congress (52nd), World Organization against Torture (52nd), World Social Prospects Association (52nd), World Student Christian Federation (58th), World University Service (59th).

446. A joint statement was made by the International Federation Terre des Hommes (51st) on behalf of the following organizations: African Association of Education for Development, American Association of Jurists, Centre Europe-Tiers Monde, Defence for Children International, Disabled People's International, International Educational Development, Inc., International Fellowship of Reconciliation, International Immigrants Foundation, Inc., International League for the Rights and Liberation of Peoples, Liberation, Pax Christi, Women's International League for Peace and Freedom, World Federation of Methodists, World Student Christian Federation, World Union of Catholic Women's Organizations.

447. Statements in exercise of the right of reply or its equivalent were made by the representatives of Angola (53rd), Burundi (47th), China (46th and 50th), Cuba (46th, 49th, 50th, 52nd, 53rd, 54th and 55th), India (45th and 52nd), Mauritania (53rd), Pakistan (45th), Peru (55th), the Sudan (48th, 51st and 53rd) and the Syrian Arab Republic (51st) and by the observers for Algeria (51st), Croatia (53rd), the Democratic People's Republic of Korea (49th, 52nd and 59th), Iraq (46th, 50th, 51st, 54th and 55th), Kuwait (53rd), Morocco (54th), the Philippines (59th), Rwanda (51st) and Turkey (50th).

Situation of human rights in the Sudan

448. At the 65th meeting, on 10 March 1993, the representative of the United States of America introduced draft resolution E/CN.4/1993/L.32, sponsored by Australia, Austria, Belgium*, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy*, Luxembourg*, the Netherlands, Norway*, Portugal, Spain*, Sweden*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Canada, Hungary*, Panama*, Poland, Romania and Switzerland* subsequently joined the sponsors.

449. The representative of the Sudan made a statement in connection with the draft resolution and requested that it be put to the vote by roll-call.

450. Statements in explanation of vote before the vote were made by the representatives of China, the Islamic Republic of Iran and Pakistan.

451. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.32.

452. The draft resolution was adopted by 35 votes to 9, with 8 abstentions. The voting was as follows:

In favour: Angola, Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Finland, France, Gabon, Gambia, Germany, Japan, Lesotho, Mauritius, Mexico, Netherlands, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Bangladesh, China, Cuba, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Pakistan, Sudan.

Abstaining: Burundi, Guinea-Bissau, India, Kenya, Mauritania, Nigeria, Sri Lanka, Syrian Arab Republic.

453. A statement in connection with the resolution adopted was made by the representative of the Sudan.

454. A statement in explanation of vote after the vote was made by the representative of Malaysia.

455. For the text as adopted, see chapter II, section A, resolution 1993/60.

Situation of human rights in Zaire

456. At the same meeting, the representative of France introduced draft resolution E/CN.4/1993/L.33, sponsored by Australia, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Hungary*, Ireland*, Italy*,

Luxembourg*, the Netherlands, Portugal, Romania, Spain*, Turkey*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Austria, the Czech Republic, Norway*, Poland, Sweden* and Switzerland* subsequently joined the sponsors.

457. The draft resolution was adopted without a vote.

458. For the text as adopted, see chapter II, section A, resolution 1993/61.

Situation of human rights in the Islamic Republic of Iran

459. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/1993/L.35, sponsored by Australia, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Iceland*, Ireland*, Italy*, Japan, Liechtenstein*, Luxembourg*, the Netherlands, Norway*, Portugal, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

460. The representative of the Islamic Republic of Iran made a statement in connection with the draft resolution and requested a roll-call vote.

461. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.35.

462. Statements in explanation of vote before the vote were made by the representatives of Pakistan and the Sudan.

463. The draft resolution was adopted by 23 votes to 11, with 14 abstentions. The voting was as follows:

> In favour: Australia, Austria, Barbados, Brazil, Canada, Chile, Costa Rica, Czech Republic, Finland, France, Germany, Japan, Mauritania, Mauritius, Mexico, Netherlands, Peru, Portugal, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.
>
> Against: Bangladesh, China, Cuba, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Malaysia, Pakistan, Sudan, Syrian Arab Republic.
>
> Abstaining: Angola, Burundi, Colombia, Cyprus, Gabon, Gambia, India, Lesotho, Nigeria, Poland, Republic of Korea, Sri Lanka, Tunisia, Uruguay.

464. The representative of Brazil made a statement in explanation of vote after the vote.

465. For the text as adopted, see chapter II, section A, resolution 1993/62.

Situation of human rights in Cuba

466. At the same meeting, the representative of the United States of America introduced draft resolution E/CN.4/1993/L.37, sponsored by Albania*, Bulgaria, Canada, the Czech Republic, Denmark*, Finland, the Gambia, Germany, Honduras*, Hungary*, Iceland*, Ireland*, Japan, Kuwait*, Liechtenstein*, Lithuania*, the Netherlands, Nicaragua*, Norway*, Poland, Romania, Slovakia*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Belgium*, Luxembourg*, Panama* and Portugal subsequently joined the sponsors.

467. The representative of Cuba requested a roll-call vote on the draft resolution.

468. A statement in explanation of vote before the vote was made by the representative of Cuba.

469. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.37.

470. The draft resolution was adopted by 27 votes to 10, with 15 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Barbados, Bulgaria, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Finland, France, Gabon, Gambia, Germany, Japan, Mauritius, Netherlands, Poland, Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Angola, China, Cuba, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining: Brazil, Burundi, Colombia, India, Lesotho, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Tunisia, Venezuela, Zambia.

471. Statements in explanation of vote after the vote were made by the representatives of Brazil and Chile.

472. For the text as adopted, see chapter II, section A, resolution 1993/63.

Cooperation with representatives of the United Nations human rights bodies

473. At the 65th meeting, on 10 March 1993, the observer for Hungary introduced draft resolution E/CN.4/1993/L.80, sponsored by Australia, Austria, Costa Rica, the Czech Republic, the Gambia, Hungary*, Sweden* and Switzerland*.

474. The draft resolution was adopted without a vote.

475. For the text as adopted, see chapter II, section A, resolution 1993/64.

Situation in East Timor

476. At the same meeting, the Commission postponed consideration of draft resolution E/CN.4/1993/L.81, sponsored by Angola, Belgium*, Brazil, Costa Rica, Denmark*, Finland, France, Germany, Greece*, Iceland*, Ireland*, Italy*, Liechtenstein*, Luxembourg*, Mozambique*, the Netherlands, Norway*, Portugal, Spain*, Sweden*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland.

477. At the 68th meeting, on 11 March 1993, the observer for Denmark, on behalf of the European Community and its member States, introduced a revised draft resolution (E/CN.4/1993/L.81/Rev.1), sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.81 and by the United States of America. Guinea-Bissau subsequently joined the sponsors.

478. The revised draft resolution contained the following revisions:

(a) The sixth preambular paragraph, which read "Disappointed by the frequent denial of access to the territory of East Timor to human rights organizations as well as to some other relevant international observers,", was replaced by a new paragraph;

(b) A new paragraph was added as the seventh preambular paragraph;

(c) In operative paragraph 1, the words "in the territory of" between the words "violations in" and the words "East Timor" were deleted;

(d) In operative paragraph 3, the words "and urges the Government of Indonesia to account fully for those still missing since that date" were added at the end of the paragraph;

(e) Operative paragraph 7, which read "Renews its call on the Indonesian authorities to allow access to East Timor to human rights organizations and additional humanitarian organizations;", was replaced by a new paragraph.

479. At the same meeting, the representative of Malaysia moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1993/L.81/Rev.1.

480. Statements relating to the motion were made by the representatives of Angola, Bangladesh, Canada, Costa Rica, Guinea-Bissau, India, the Islamic Republic of Iran, Japan, Poland, the Russian Federation, the Sudan, the Syrian Arab Republic and the United States of America.

481. The representative of the United States of America requested a roll-call vote on the motion, which was rejected by 22 votes to 15, with 12 abstentions. The voting was as follows:

In favour: Bangladesh, China, Cuba, Gambia, India, Indonesia, Iran (Islamic Republic of), Japan, Kenya, Malaysia, Nigeria, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic.

Against: Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Finland, France, Germany, Guinea-Bissau, Mauritius, Netherlands, Poland, Portugal, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia.

Abstaining: Argentina, Burundi, Colombia, Cyprus, Gabon, Lesotho, Mauritania, Mexico, Pakistan, Peru, Tunisia, Venezuela.

482. The representative of Malaysia requested a roll-call vote on the draft resolution.

483. Statements in explanation of vote before the vote were made by the representatives of Austria and Indonesia.

484. Draft resolution E/CN.4/1993/L.81/Rev.1 was adopted by 22 votes to 12, with 15 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Finland, France, Germany, Guinea-Bissau, Mauritius, Netherlands, Poland, Portugal, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

Against: Bangladesh, China, Cuba, Gambia, India, Indonesia, Iran (Islamic Republic of), Malaysia, Nigeria, Sri Lanka, Sudan, Syrian Arab Republic.

Abstaining: Argentina, Burundi, Colombia, Cyprus, Gabon, Japan, Kenya, Lesotho, Mauritania, Mexico, Pakistan, Peru, Republic of Korea, Tunisia, Venezuela.

485. At the 69th meeting, on 12 March 1993, explanations of vote after the vote were made by the representatives of Australia, Japan, the Republic of Korea and Uruguay.

486. At the same meeting, the representative of the Libyan Arab Jamahiriya stated that had he been present at the voting he would have voted against the draft resolution.

487. For the text as adopted, see chapter II, section A, resolution 1993/97.

Situation of human rights in Albania

488. At the 65th meeting, on 10 March 1993, the representative of Portugal introduced draft resolution E/CN.4/1993/L.85, sponsored by Albania*, Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy*, Luxembourg*, the Netherlands, Portugal, Spain*, Sweden*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland. The United States of America subsequently joined the sponsors.

489. The draft resolution was adopted without a vote.

490. For the text as adopted, see chapter II, section A, resolution 1993/65.

Situation of human rights in Afghanistan

491. On 8 March 1993, a draft resolution (E/CN.4/1993/L.87) was submitted by the Chairman.

492. At the 65th meeting, on 10 March 1993, the Chairman introduced a revised draft resolution (E/CN.4/1993/L.87/Rev.1), which contained a new paragraph as operative paragraph 4.

493. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.87/Rev.1.

494. The draft resolution was adopted without a vote.

495. For the text as adopted, see chapter II, section A, resolution 1993/66.

Situation of human rights in southern Lebanon

496. At the same meeting, the representative of Mauritania introduced draft resolution E/CN.4/1993/L.90, sponsored by Afghanistan*, Algeria*, Bahrain*, Bangladesh, Burundi, Cuba, India, Indonesia, Iraq*, Jordan*, Kuwait*, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Somalia*, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates*, Yemen* and Zambia. Madagascar subsequently joined the sponsors.

497. At the request of the representative of the United States of America, a vote was taken on draft resolution E/CN.4/1993/L.90. The draft resolution was adopted by 50 votes to 1.

498. A statement in explanation of vote after the vote was made by the representative of Uruguay.

499. For the text as adopted, see chapter II, section A, resolution 1993/67.

Situation of human rights in Haiti

500. At the same meeting, the representative of Venezuela introduced draft resolution E/CN.4/1993/L.92, sponsored by Argentina, Austria, Barbados, Belgium*, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark*, Finland, France, Germany, Greece*, Haiti*, Ireland*, Italy*, Mexico, the Netherlands, Norway*, Portugal, Senegal*, Spain*, Sweden*, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Australia, Hungary*, Jamaica*, Japan, Luxembourg*, Panama*, Peru, Switzerland* and Turkey* subsequently joined the sponsors.

501. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.92.

502. The draft resolution was adopted without a vote.

503. A statement in explanation of his delegation's position was made by the representative of the United States of America.

504. For the text as adopted, see chapter II, section A, resolution 1993/68.

Situation in Equatorial Guinea

505. At the same meeting, the representative of Costa Rica introduced draft resolution E/CN.4/1993/L.93, sponsored by Costa Rica.

506. The representative of Costa Rica orally revised the draft resolution as follows:

(a) The sixth and tenth preambular paragraphs and operative paragraphs 2, 5, 7 and 13 were deleted;

(b) In the seventh preambular paragraph, the words "in exile" between the word "parties" and the word "should" were deleted;

(c) The eighth preambular paragraph, which read: "Pointing out that the reasons given by the refugees for not returning to Equatorial Guinea, so long as an overall political solution is not achieved and a broad-based government is not established, are the persistence of systematic violations of human rights and fundamental freedoms, the systematic application of torture and other cruel, inhuman and degrading treatment or punishment to political prisoners, as well as other obstacles which the refugees are reported to face if they return to Equatorial Guinea,", was replaced by a new text;

(d) In operative paragraph 3, the word "systematic" was deleted and the words "and the lack of cooperation with the Expert" were added at the end of the paragraph;

(e) In operative paragraph 11, the words ", as the President of the Republic has already given a written undertaking to do in a letter to the Committee on the Return of Exiles, the return of all refugees and exiles, inter alia," were replaced by the words "the return of exiles and refugees";

(f) In operative paragraph 18, the words "unless there is a significant improvement in the situation of human rights and fundamental freedoms in Equatorial Guinea" were added at the end of the paragraph.

507. Statements in connection with the draft resolution were made by the representatives of the Netherlands and the United States of America and the observer for Equatorial Guinea.

508. The draft resolution, as orally revised, was adopted without a vote.

509. For the text as adopted, see chapter II, section A, resolution 1993/69.

Human rights and mass exoduses

510. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1993/L.94, sponsored by Australia, Bulgaria, Burundi, Canada, Costa Rica, Cyprus, Finland, the Gambia, Germany, Greece*, Hungary*, Italy*, Japan, Jordan*, Mauritania, New Zealand*, Norway*, the Philippines*, Poland, the Russian Federation, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia. Austria, Luxembourg*, Madagascar* and Turkey* subsequently joined the sponsors.

511. The representative of Canada orally revised the draft resolution by deleting, in operative paragraph 4, the word "informed" between the words "governmental and" and the word "intergovernmental".

512. The draft resolution, as orally revised, was adopted without a vote.

513. For the text as adopted, see chapter II, section A, resolution 1993/70.

Situation of human rights in Tajikistan

514. At the 66th meeting, on 10 March 1993, the Chairman of the Commission made the following statement:

> "The Commission on Human Rights is deeply concerned by reports of serious human rights violations associated with the armed civil conflicts in Tajikistan. These reported violations include the killing of non-combatants, the taking of hostages, summary executions and arbitrary detentions. Large numbers of people have fled from their homes, causing greater suffering. The situation of the large number of Tajik refugees on the border of Afghanistan is also a cause of great concern which requires international humanitarian assistance.

"The Commission welcomes and commends the efforts of both the United Nations and representatives of the International Committee of the Red Cross in the field to help those in need.

"Recognizing the connection between the ongoing hostilities and the continuing violations of human rights, the Commission calls upon all parties to the conflict to respect the human rights and fundamental freedoms of the Tajik people of whatever political or ethnic affiliation and to negotiate, on an urgent basis, a permanent end to the hostilities to ensure a lasting peace, thereby permitting internationally-recognized humanitarian norms to be implemented and the internally displaced population to return to their homes in safety and free from the fear of persecution."

Extrajudicial, summary or arbitrary executions

515. At the same meeting, the observer for Sweden introduced draft resolution E/CN.4/1993/L.97, sponsored by Argentina, Australia, Austria, Barbados, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark*, Estonia*, Ethiopia*, Finland, France, Germany, Greece*, Hungary*, Iceland*, Ireland*, Italy*, Latvia*, Luxembourg*, the Netherlands, New Zealand*, Nicaragua*, Norway*, Poland, Portugal, Romania, the Russian Federation, Senegal*, Slovakia*, Spain*, Swaziland*, Sweden*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland.

516. The draft resolution was adopted without a vote.

517. For the text as adopted, see chapter II, section A, resolution 1993/71.

Situation of human rights in Romania

518. At the same meeting, the observer for Sweden introduced draft resolution E/CN.4/1993/L.98, sponsored by Australia, Austria, Belgium*, Canada, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Iceland*, Ireland*, Italy*, Luxembourg*, the Netherlands, Norway*, Poland, Portugal, Romania, Slovakia*, Spain*, Sweden*, Switzerland*, Turkey*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Russian Federation subsequently joined the sponsors.

519. The draft resolution was adopted without a vote.

520. For the text as adopted, see chapter II, section A, resolution 1993/72.

Situation of human rights in Myanmar

521. At the same meeting, the representative of France introduced draft resolution E/CN.4/1993/L.101, sponsored by Argentina, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Hungary*, Ireland*, Italy*, Liechtenstein*,

Luxembourg*, the Netherlands, Norway*, Poland, Portugal, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

522. In introducing the draft resolution, the representative of France orally revised it by deleting in operative paragraph 18 the words "and all the recommendations of the Special Rapporteur" after the words "Decides to keep the matter".

523. Statements in connection with the draft resolution were made by the representative of Cuba and the observer for Myanmar.

524. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.101.

525. The draft resolution, as orally revised, was adopted without a vote.

526. A statement in explanation of his delegation's position was made by the representative of Japan.

527. For the text as adopted, see chapter II, section A, resolution 1993/73.

Situation of human rights in Iraq

528. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/1993/L.103, sponsored by Argentina, Australia, Austria, Belgium*, Canada, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Hungary*, Iceland*, Ireland*, Italy*, Japan, Kuwait*, Liechtenstein*, Luxembourg*, the Netherlands, Norway*, Portugal, Rwanda*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Turkey* subsequently joined the sponsors.

529. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.103.

530. The representatives of the Sudan and the Libyan Arab Jamahiriya made statements in connection with the draft resolution.

531. At the request of the representative of the Sudan, a vote was taken by roll-call on operative paragraph 11 of the draft resolution. Operative paragraph 11 was retained by 32 votes to 3, with 16 abstentions. The voting was as follows:

In favour: Angola, Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czech Republic, Finland, France, Gabon, Gambia, Germany, Japan, Mauritius, Mexico, Netherlands, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya, Mauritania, Sudan.

Abstaining: Bangladesh, Burundi, China, Cuba, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Malaysia, Nigeria, Pakistan, Sri Lanka, Syrian Arab Republic, Tunisia.

532. At the request of the representative of the Sudan, a roll-call vote was taken on draft resolution E/CN.4/1993/L.103 as a whole. The draft resolution was adopted by 36 votes to 1, with 15 abstentions. The voting was as follows:

In favour: Angola, Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Finland, France, Gabon, Gambia, Germany, Iran (Islamic Republic of), Japan, Kenya, Mauritius, Mexico, Netherlands, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Sudan.

Abstaining: Bangladesh, Burundi, China, Cuba, Guinea-Bissau, India, Indonesia, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Tunisia.

533. Statements in explanation of vote after the vote were made by the representatives of India and the Syrian Arab Republic.

534. For the text as adopted, see chapter II, section A, resolution 1993/74.

Situation of human rights in China

535. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/1993/L.104, sponsored by Australia, Belgium*, Canada, Costa Rica, Denmark*, Finland, France, Germany, Greece*, Iceland*, Ireland*, Italy*, Japan, Liechtenstein*, Luxembourg*, the Netherlands, Norway*, Portugal, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

536. The draft resolution read as follows:

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

"Taking note of recent developments in the situation of human rights in China,

"Concerned at the continuing reports of violations of human rights and fundamental freedoms in China, as well as measures which threaten the distinct cultural, religious and ethnic identity of persons belonging to minorities,

"Taking note of the reports of the Special Rapporteurs on the question of torture (E/CN.4/1993/26), on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and on the question of religious intolerance (E/CN.4/1993/62), as well as the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

"1. Expresses concern over the continuing reports of violations of human rights and fundamental freedoms in China, including severe restrictions on the rights of freedom of expression, religion, assembly, association and fair trial;

"2. Calls upon the Government of China to take measures to ensure the observance of human rights and to improve the administration of justice in China;

"3. Invites the Government of China to continue to cooperate with the Special Rapporteurs and Working Groups;

"4. Requests the Secretary-General to bring the present resolution to the attention of the Government of China and to prepare a report for the Commission on Human Rights at its fiftieth session on the situation of human rights in China on the basis of available information, including the reports of the special rapporteurs, working groups and treaty bodies as well as any other relevant information."

537. At the same meeting, the representative of China moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1993/L.104.

538. Statements relating to the motion were made by the representatives of Bangladesh, Canada, Cuba, the Islamic Republic of Iran, Malaysia, Mauritania, the Netherlands, Nigeria, Pakistan, Portugal, the Russian Federation, the Syrian Arab Republic, the Sudan, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

539. At the request of the representative of China, a roll-call vote was taken on the motion, which was adopted by 22 votes to 17, with 12 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Burundi, China, Cuba, Cyprus, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Zambia.

Against: Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Barbados, Brazil, Chile, Colombia, Gambia, Lesotho, Mexico, Peru, Republic of Korea, Uruguay, Venezuela.

540. Statements in explanation of vote after the vote were made by the representatives of China and Poland.

541. For the text as adopted, see chapter II, section B, decision 1993/110.

Situation of human rights in Togo

542. At the 67th meeting, on 10 March 1993, the representative of Germany introduced draft resolution E/CN.4/1993/L.108, sponsored by France, Germany, Greece*, Hungary*, Portugal and the United Kingdom of Great Britain and Northern Ireland. Austria, Belgium*, Canada, the Czech Republic, Denmark*, Ireland*, Italy*, Luxembourg*, the Netherlands, Poland, Spain*, Switzerland* and the United States of America subsequently joined the sponsors.

543. The representative of Germany orally revised the draft resolution as follows:

(a) A new paragraph was inserted as the seventh preambular paragraph;

(b) In operative paragraph 3, the words "to create conditions conducive to the return of Togolese refugees in neighbouring countries in complete security and dignity and" were inserted between the words "necessary measures" and the words "to guarantee";

(c) Operative paragraph 4, which read "Invites the special rapporteurs and working groups of the Commission to keep the situation of human rights in Togo under review;", was replaced by a new paragraph;

(d) At the end of operative paragraph 5 (a), the words "and to request them to indicate, as soon as possible, the action taken in pursuance of the present resolution" were added.

544. The draft resolution, as orally revised, was adopted without a vote.

545. A statement in explanation of his delegation's position was made by the representative of the Sudan.

546. For the text as adopted, see chapter II, section A, resolution 1993/75.

Human rights violations in Bougainville

547. On 8 March 1993, a draft resolution (E/CN.4/1993/L.51) was submitted by Angola, Guinea-Bissau, Nigeria and the Solomon Islands*.

548. At the 67th meeting, on 10 March 1993, the representative of Guinea-Bissau introduced a revised draft resolution (E/CN.4/1993/L.51/Rev.1), sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.51.

549. The revised draft resolution contained the following revisions:

(a) Operative paragraphs 1 and 2, which read:

> "Encourages the Government of Papua New Guinea to lift the blockade of medical supplies and other essential needs imposed on the people of Bougainville;
>
> "Also encourages the Government of Papua New Guinea to restore freedom of movement to the people of Bougainville, including the right to enter and leave Papua New Guinea;"

were deleted and the remaining operative paragraphs were renumbered accordingly;

(b) In new operative paragraph 1, the words "and Bougainville" were replaced by the words "particularly including Bougainville";

(c) In new operative paragraph 2, the word "people" after the words "the Bougainville" was replaced by the word "peoples".

550. The draft resolution, as orally revised, was adopted without a vote.

551. Statements in explanation of their delegations' positions were made by the representatives of Australia, France, India, the Syrian Arab Republic and the United States of America.

552. For the text as adopted, see chapter II, section A, resolution 1993/76.

Forced evictions

553. At the same meeting, the Commission considered draft resolution III recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. A).

554. The representative of the Netherlands orally proposed the following amendments to the draft resolution:

(a) In the seventh preambular paragraph, after the words "range of actors" delete the remainder of the paragraph;

(b) In operative paragraph 1, delete the word "gross" between the words "constitute a" and the word "violation";

(c) In operative paragraph 7, replace the words "item 12, entitled 'Question of the violation of human rights and fundamental freedoms in any parts of the world, with particular reference to colonial and other dependent countries and territories', and to determine how most effectively to continue its consideration of the issue of the forced evictions" by the words "the agenda item entitled 'Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights'.".

555. The representative of the Syrian Arab Republic proposed that the word "gross" not be deleted as proposed by the representative of the Netherlands. The representative of the Netherlands accepted the proposal made by the representative of the Syrian Arab Republic.

556. The Commission accepted the amendments proposed by the representative of the Netherlands as further amended by the representative of the Syrian Arab Republic.

557. The draft resolution, as amended, was adopted without a vote.

558. A statement in explanation of his delegation's position was made by the representative of the United States of America.

559. For the text as adopted, see chapter II, section A, resolution 1993/77.

Detention in Bougainville

560. At the same meeting, the Commission considered draft decision 2 recommended by the Sub-Commission to the Commission for adoption (see E/CN.4/1993/2, chap. I, sect. B).

561. The draft decision was adopted without a vote.

562. For the text as adopted, see chapter II, section B, decision 1993/111.

Situation of human rights in Sri Lanka

563. At the 68th meeting, on 11 March 1993, the representative of Sri Lanka made a statement concerning the situation of human rights in Sri Lanka.

564. This statement was acknowledged by the Chairman as follows:

> "The Commission acknowledges the statement of the representative of Sri Lanka concerning the situation of human rights in Sri Lanka.
>
> "The Government of Sri Lanka has outlined a programme of work which is to be implemented in the course of the year which includes: taking appropriate measures to ascertain the whereabouts of alleged missing persons; prosecution of those found responsible for disappearances and other human rights violations; a comprehensive review and revision of emergency legislation relating to arrest and detention; compilation and publication of a consolidated version of all current emergency regulations; continued implementation of the recommendations of the Working Group on disappearances contained in its 199[illegible] report and consideration of the working group's recommendations in its 1992 report.
>
> "The intention of the Government of Sri Lanka to share with the Commission, its mechanisms and other interested parties information on the progress made is noted. The efforts of the government to arrive at a negotiated political settlement to the problems in the North and the East of the country should be encouraged.
>
> "As requested by the delegation of Sri Lanka, this acknowledgement will be included in the final report of the Commission and the statement of the delegation of Sri Lanka in its entirety in the summary records of this session."

A. Question of human rights in Cyprus

565. In connection with agenda item 12 (a), the Commission had before it the following documents:

> Report of the Secretary-General provided pursuant to Commission decision 1992/106 (E/CN.4/1993/36);
>
> Letter dated 25 January 1993 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/82);
>
> Letter dated 4 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/110).

566. Statements 3/ were made by the following members of the Commission: Argentina (49th), Australia (54th), Brazil (53rd), Bulgaria (49th), China (45th), Cyprus (49th), Czech Republic (49th), Finland (49th), Guinea-Bissau (45th), India (49th and 50th), Japan (50th), Nigeria (49th), Pakistan (45th), Republic of Korea (51st), Russian Federation (54th), Sri Lanka (49th and 50th), Syrian Arab Republic (53rd).

567. The Commission also heard statements by the observers for: Denmark (on behalf of the European Community and its member States) (45th), Greece (51st), Turkey (55th).

568. The observer for Switzerland made a statement (55th).

569. A statement was made by the World Federation of Trade Unions (52nd).

570. A statement in exercise of the right of reply was made by the representative of Cyprus (55th).

571. At the 59th meeting, on 8 March 1993, the Chairman proposed a draft decision postponing the debate on agenda item 12 (a) to the fiftieth session of the Commission, when it would be given due priority, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation. The observer for Turkey requested that his reservations with respect to the previous decisions of the Commission be placed on record.

572. The draft decision was adopted without a vote.

573. For the text as adopted, see chapter II, section B, decision 1993/109.

B. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

574. The Commission considered item 12 (b) in closed session at its 36th and 37th meetings, on 24 February, at its 39th meeting, on 25 February, at its 44th meeting, on 1 March, at its 56th meeting, on 5 March, and at its 66th meeting, on 10 March 1993. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Bahrain, Chad, Kenya, Rwanda, Somalia, the Sudan and Zaire, as publicly announced by the Chairman. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situation in Bahrain and Kenya. The Chairman further announced that the Commission would no longer examine the human rights situation in the Sudan and Zaire under the confidential procedure governed by Council resolution 1503 (XLVIII), in view of the public procedure concerning both countries established by Commission resolutions 1993/60 and 1993/61, respectively.

575. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

576. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman will designate five members to serve in their personal capacity on the Working Group on Situations meeting prior to the fiftieth session of the Commission in 1994.

XIII. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

577. The Commission considered agenda item 13 at its 64th and 67th meetings, on 9 and 10 March 1993. 1/

578. In connection with agenda item 13, the Commission had before it the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1993/51).

579. At the 64th meeting, in the general debate on agenda item 13, a statement was made by the representative of Pakistan.

580. At the same meeting, the Commission also heard statements by the following non-governmental organizations: Centre Europe-Tiers Monde, Commission of the Churches on International Affairs of the World Council of Churches, International Indian Treaty Council, Sierra Club Legal Defense Fund, Inc., Women's International League for Peace and Freedom, World Federation of Democratic Youth.

581. At the 67th meeting, the representative of Mexico introduced draft resolution E/CN.4/1993/L.100, sponsored by Algeria*, Argentina, Colombia, Costa Rica, Cuba, the Czech Republic, Ecuador*, France, Greece*, Mauritania, Mexico, Morocco*, Peru, Portugal, Romania, Rwanda*, Senegal* and Venezuela. Tunisia subsequently joined the sponsors.

582. The draft resolution was adopted without a vote.

583. A statement in explanation of his delegation's position was made by the representative of Japan.

584. For the text as adopted, see chapter II, section A, resolution 1993/89.

XIV. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

585. The Commission considered agenda item 14 at its 64th and 67th meetings, on 9 and 10 March 1993. 1/

586. The Commission had before it the following documents:

> Letter dated 2 March 1993 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/108);
>
> Letter dated 10 March 1993 from the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal addressed to the Secretary of the Commission on Human Rights (E/CN.4/1993/119).

587. At the 64th meeting, in the general debate on agenda item 14, a statement was made by the representative of Pakistan.

588. At the same meeting, a statement was made by the observer for Iraq.

589. Also at the same meeting, the Commission heard statements by the following non-governmental organizations: Centre Europe-Tiers Monde, International Educational Development, Inc., International Fellowship of Reconciliation, Sierra Club Legal Defense Fund, Inc., Women's International League for Peace and Freedom.

590. At the 67th meeting, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 14.

591. On 2 March 1993, a draft resolution (E/CN.4/1993/L.47) had been submitted by Burundi, Cameroon*, Ethiopia*, Gabon, the Gambia, Guinea-Bissau, Kenya, Lesotho, Mauritania, Nigeria, Senegal*, the Sudan, Tunisia, the United Republic of Tanzania*, Zambia and Zimbabwe*.

592. At the 67th meeting, the representative of Kenya introduced a revised draft resolution (E/CN.4/1993/L.47/Rev.1) sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.47. Equatorial Guinea* and Swaziland* subsequently joined the sponsors.

593. The revised draft resolution contained revisions as follows:

(a) The eighth preambular paragraph, which read "Gravely concerned at recent reports of dumping of harmful wastes in Africa;" was replaced by a new text;

(b) In the ninth preambular paragraph, the word "also" was inserted after the word "Aware";

(c) The tenth preambular paragraph, which read "Convinced that the dumping of toxic and dangerous products and wastes in African and other developing countries constitutes a violation of the collective human rights of the populations of these countries," was replaced by a new text.

(d) In operative paragraph 6, the words ", including prevention of illegal traffic," were inserted between the word "wastes" and the words "at its fifty-first session".

594. Statements in connection with the revised draft resolution were made by the representatives of the Gambia and the United States of America.

595. The representative of the United States requested a vote on the revised draft resolution. At the request of the representative of Cuba, the vote was taken by roll-call. The draft resolution was adopted by 34 votes to 1, with 17 abstentions. The voting was as follows:

In favour: Angola, Argentina, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Uruguay, Venezuela, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Malaysia, Netherlands, Poland, Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland.

596. Statements in explanation of vote after the vote were made by the representatives of Australia, Canada, Japan and the United States of America.

597. For the text as adopted, see chapter II, section A, resolution 1993/90.

598. At the same meeting, the representative of France introduced draft resolution E/CN.4/1993/L.82, sponsored by Argentina, Austria, Belgium*, Bulgaria, Cameroon*, Costa Rica, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Poland, Romania, the Russian Federation, Senegal* and Turkey. Algeria* subsequently joined the sponsors.

599. The draft resolution was adopted without a vote.

600. For the text as adopted, see chapter II, section A, resolution 1993/91.

601. At the same meeting, the representative of France introduced draft decision E/CN.4/1993/L.106, sponsored by Chile and France.

602. The representative of France orally revised the draft decision as follows:

(a) After the words "personal data", the symbol "(E/CN.4/1990/72)" was inserted;

(b) The word "fiftieth" was replaced by the word "fifty-first";

(c) In subparagraph (b), the word "including" was deleted before the words "non-governmental organizations".

603. Statements in connection with the draft decision were made by the representatives of France and India.

604. The draft decision, as orally revised, was adopted without a vote.

605. A statement in explanation of his delegation's position was made by the representative of India.

606. For the text as adopted, see chapter II, section B, decision 1993/113.

607. At the same meeting, the Commission considered draft decision 7 recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1993/2, chap. I, sect. B).

608. The draft decision was adopted without a vote.

609. For the text as adopted, see chapter II, section B, decision 1993/114.

610. In view of the adoption of resolution 1993/53 (see paras. 376-378), the Commission took no action on draft decision 12 recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1993/2, chap. I, sect. B).

XV. IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

611. The Commission considered agenda item 15 concurrently with items 5, 6 and 16 (see chaps. V, VI and XVI) at its 11th, 12th, 16th and 17th meetings, on 8, 9 and 11 February, and at its 42nd meeting, on 26 February 1993. 1/

612. The Commission had before it the following documents:

Note by the Secretary-General (E/CN.4/1993/52);

Reports submitted by States parties under article VII of the Convention: (E/CN.4/1993/52/Add.1-7);

Views and information submitted by States parties, specialized agencies and non-governmental organizations in accordance with Commission resolution 1991/10: note by the Secretary-General (E/CN.4/1993/53);

Report of the Group of Three established under the Convention, submitted by the Chairperson-Rapporteur, Mrs. Colette Samoya (E/CN.4/1993/54 and Corr.1).

613. In the general debate on agenda item 15, statements 3/ were made by the following members of the Commission: Russian Federation (12th), Sudan (12th), Venezuela (11th).

614. At the 42nd meeting, on 26 February 1993, the observer for Zimbabwe introduced draft resolution E/CN.4/1993/L.12, sponsored by Algeria*, Angola, Burundi, Cameroon*, China, Colombia, Cuba, Equatorial Guinea*, Ethiopia*, Gabon, Guinea-Bissau, India, the Islamic Republic of Iran, Iraq*, Jordan*, Kenya, Lesotho, the Libyan Arab Jamahiriya, Mauritania, Nigeria, Pakistan, Rwanda*, Senegal*, the Sudan, the Syrian Arab Republic, Tunisia, the United Republic of Tanzania*, Venezuela, Viet Nam*, Yemen*, Yugoslavia*, Zaire*, Zambia and Zimbabwe*. Bangladesh, Barbados, Mexico, and Myanmar* subsequently joined the sponsors.

615. The representative of the Islamic Republic of Iran made a statement on behalf of the Asian group.

616. The representative of the United States of America requested a vote on the draft resolution.

617. The draft resolution was adopted by 30 votes to none, with 21 abstentions.

618. Statements in explanation of vote after the vote were made by the representatives of Chile, Germany (on behalf of the European Community and its member States), the Russian Federation and the United States of America.

619. For the text as adopted, see chapter II, section A, resolution 1993/10.

XVI. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

620. The Commission considered agenda item 16 concurrently with items 5, 6 and 15 (see chaps. V, VI and XV) at its 11th, 12th, 16th and 17th meetings, on 8, 9 and 11 February, at its 42nd meeting, on 26 February, and at its 48th meeting, on 2 March 1993. 1/

621. The Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1993/55);

Annual report of the International Labour Organisation (E/CN.4/1993/56).

622. In the general debate on agenda item 16, statements 3/ were made by the following members of the Commission: Australia (12th), Bangladesh (17th), Brazil (12th), Canada (12th), China (12th), Cuba (17th), India (17th), Mexico (17th), Nigeria (11th), Russian Federation (12th), Sudan (12th), United States of America (12th), Venezuela (11th).

623. The Commission also heard statements by the observers for: Democratic People's Republic of Korea (17th), Denmark (on behalf of the European Community and its member States) (17th), Egypt (17th), Norway (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (17th), Senegal (17th), Spain (17th), Turkey (17th).

624. The observer for the Organization of African Unity made a statement (17th).

625. The Commission also heard statements by the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (17th), International Association against Torture (17th), International Fellowship of Reconciliation (17th), Movement against Racism and for Friendship among Peoples (11th), World Jewish Congress (17th), World Peace Council (11th).

626. Statements in exercise of the right of reply or its equivalent were made by the representative of the Russian Federation (12th) and by the observers for Algeria (17th), Estonia (12th) and Latvia (12th).

627. At its 42nd meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 16.

628. The observer for Senegal introduced draft resolution E/CN.4/1993/L.9, sponsored by Algeria*, Brazil, Burundi, Cameroon*, Chile, China, Colombia, Costa Rica, Côte d'Ivoire*, Cuba, Equatorial Guinea*, Ethiopia*, Finland, France, Gabon, the Gambia, Ghana*, Guatemala*, Guinea-Bissau, Haiti*, Indonesia, Kenya, Lesotho, the Libyan Arab Jamahiriya, Madagascar*, Mauritania, Mexico, Morocco*, Nigeria, Norway*, Pakistan, Peru, the Russian Federation, Rwanda*, Senegal*, Spain*, Sri Lanka, the Sudan,

the Syrian Arab Republic, Tunisia, the United Republic of Tanzania*, the United States of America, Venezuela, Zaire*, Zambia and Zimbabwe*. Angola, Barbados, Denmark*, the Islamic Republic of Iran, Malaysia, Panama*, the Republic of Korea and Yemen* subsequently joined the sponsors.

629. The draft resolution was adopted without a vote.

630. For the text as adopted, see chapter II, section A, resolution 1993/11.

631. At the same meeting, the Commission postponed consideration of draft resolution E/CN.4/1993/L.20, submitted by Pakistan and Turkey*. The draft resolution read as follows:

"Measures to combat racism and racial discrimination

"The Commission on Human Rights,

"Recalling its resolutions 1991/11 of 22 February 1991 and 1992/8 of 21 February 1992,

"Recalling also its resolution 1992/41 of 28 February 1992 on human rights and thematic procedures,

"Recalling further resolutions 1990/1 and 1990/2 of 20 August 1990 and 1992/5 of 21 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

"Considering that, despite the efforts thus far of the international community, the principal objectives of the two decades to combat racism and racial discrimination have not been attained and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

"Concerned that, despite these efforts, racism and acts of violence resulting therefrom persist and are even increasing in a number of countries in North America and Europe,

"Concerned also that, in many parts of the world, ethnic, cultural, linguistic, religious and other minorities are suffering from discrimination and discriminatory treatment,

"Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of all migrant workers and their families, and recalling in that regard the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

"Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

"Convinced, however, that racism and racial discrimination, in whatever form, are intensified by, inter alia, conflicts over economic resources, in developed as well as in developing countries, and can best be defeated by a combination of economic, legislative and educational measures,

"Reaffirming that all human rights and fundamental freedoms, economic, social and cultural, as well as civil and political, are indivisible and interrelated,

"Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

"Having considered the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session (E/CN.4/Sub.2/1992/11),

"1. Takes note with appreciation of the report of the Secretary-General and expresses its deep concern at the reported serious incidents attributable to racism, racial discrimination and xenophobia that take place in any part of the world;

"2. Recommends that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

"3. Emphasizes the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism and racial discrimination, including those practised against indigenous peoples, migrant workers and other minority and vulnerable groups;

"4. Confirms the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level;

"5. Recognizes the important role that can be played in this regard by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development;

"6. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination to fulfil its mandate;

"7. Recognizes the importance of activities aimed at directly assisting minority and vulnerable groups to strengthen their participation in national economic, social and political life;

"8. Appeals to all Governments to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

"9. Urges all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination;

"10. Decides to appoint, for a three-year period, a thematic special rapporteur on contemporary forms of racism, racial discrimination and xenophobia in the light of recent trends in many countries of the world, and requests the Special Rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session;

"11. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

"12. Recommends the following draft decision to the Economic and Social Council for adoption:

> "'The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/... of ... February 1993, approves the Commission's decision to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform [his/her] functions, especially in carrying out missions and following them up. The Council further approves the Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fiftieth session.'"

632. Also at the same meeting, the Commission postponed consideration of draft resolution E/CN.4/1993/L.29, submitted by Austria, Belgium*, Denmark*, France, Germany, Greece*, Ireland*, Italy*, Luxembourg*, the Netherlands, Norway*, Portugal, the Russian Federation, Spain*, Sweden* and the United Kingdom of Great Britain and Northern Ireland. The draft resolution read as follows:

"_The Commission on Human Rights_,

"_Reaffirming_ the objective set forth in the Charter of the United Nations to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"_Recalling_ article 2 of the Universal Declaration of Human Rights adopted by the General Assembly in its resolution 217 A (III) of 10 December 1948 which states that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

"_Recalling also_ the relevant provisions of the International Covenants on Human Rights,

"_Recalling further_ the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination,

"_Conscious_ of the important work done by the Committee on the Elimination of Racial Discrimination since 1970,

"_Convinced_ that the existence of racial barriers is repugnant to the ideals of any human society,

"_Recalling_ General Assembly resolution 45/158 of 18 December 1990 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

"_Recalling_ its resolutions 1991/11 of 22 February 1991 and 1992/8 of 21 February 1992,

"_Recalling also_ its resolution 1992/41 of 28 February 1992 on human rights and thematic procedures,

"_Recalling further_ resolutions 1990/1 and 1990/2 of 20 August 1990 and 1992/5 of 21 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"_Mindful_ of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means, "Considering that, despite the efforts thus far of the international community, the principal objectives of the two decades to combat racism and racial discrimination have not been attained and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

"Concerned that despite these efforts racism, racial discrimination, xenophobia and related intolerance in its different forms persist in many parts of the world, including in industrialized countries,

"Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies,

"Conscious also that impunity for crimes motivated by racist and xenophobic attitudes contributes to weakening the rule of law and tends to encourage recurrence of those crimes,

"Concerned that in many parts of the world persons belonging to ethnic, cultural, linguistic, religious and other groups are suffering from racism, racial discrimination, xenophobia and related intolerance,

"Aware of the growing magnitude of the phenomenon of racism in segments of many societies and its consequences for migrant workers, as well as the efforts undertaken by Governments and the international community for the protection of the human rights of all migrant workers and their families,

"Deeply alarmed by manifestations in segments of many societies of racism, racial discrimination and xenophobia, including the use of violence against migrant workers, persons belonging to indigenous and minority groups and vulnerable groups,

"Conscious that the scourges of racism, racial discrimination, xenophobia and related intolerance in their different forms require periodic re-examination of the methods used to combat them,

"Reaffirming that all human rights and fundamental freedoms, economic, social and cultural, as well as civil and political, are indivisible and interrelated,

"Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field,

"Conscious of the importance of education in promoting understanding and tolerance among racial, religious or linguistic groups, "Convinced of the important role of national institutions in the promotion and protection of human rights and fundamental freedoms and in the raising of public awareness in order to prevent or to correct any attitude, tendency or policy based on intolerance,

"Recognizing the invaluable contribution of non-governmental organizations in all matters relating to human rights and fundamental freedoms as well as to improvement of the living conditions of persons belonging to minorities or ethnic groups who have suffered discrimination,

"Heartened by public demonstrations in some States expressing outrage at acts motivated by racist and xenophobic attitudes,

"Having considered the report of the Secretary-General on measures to combat racism and racial discrimination (E/CN.4/Sub.2/1992/11), submitted to the Sub-Commission at its forty-fourth session,

"1. Takes note with appreciation of the report of the Secretary-General and expresses its deep concern at the reported and many other serious incidents attributable to racism, racial discrimination, xenophobia and related intolerance that take place in many parts of the world;

"2. Recommends that the General Assembly take the appropriate steps to launch a third decade to combat racism and racial discrimination, to begin in 1993;

"3. Emphasizes the obligation of Governments and the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism, racial discrimination, xenophobia and related intolerance, including those practised against migrant workers, persons belonging to indigenous and minority groups and vulnerable groups;

"4. Reiterates its deep concern at the acts of racial violence, racial discrimination, xenophobia and related intolerance perpetrated in segments of many societies;

"5. Strongly condemns all contemporary forms of racism, racial discrimination, xenophobia and related intolerance in segments of many societies, leading to violence against migrant workers, persons belonging to indigenous and minority groups and vulnerable groups;

"6. Confirms the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level;

"7. Encourages educational institutions, both public and private, to increase their efforts to promote an education which fosters understanding between races and cultures;

"8. Recognizes the important role that can be played in this regard by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development;

"9. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination to fulfil its mandate;

"10. Recognizes the importance of activities aimed at directly assisting persons belonging to minorities and vulnerable groups to strengthen their participation in national economic, social and political life;

"11. Encourages and welcomes initiatives taken by Governments, at a national, regional or local level, and international and regional organizations to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

"12. Encourages also non-governmental organizations to continue their work in combating racism, racial discrimination and xenophobia and fostering pluralism and tolerance in any part of the world;

"13. Urges all States that have not yet done so to consider becoming party to all relevant international instruments aimed at eliminating racism and racial discrimination and to implement them, in particular the International Convention on the Elimination of All Forms of Racial Discrimination;

"14. Appeals to all States to consider becoming party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

"15. Urges all Governments to continue to take effective measures and to develop strong policies effectively to combat racism and eliminate discrimination;

"16. Encourages all Governments to take further steps, as appropriate, at the national, bilateral, regional and multilateral levels to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance in society;

"17. Stresses the importance of combating, prosecuting and punishing crimes motivated by racist and xenophobic attitudes;

"18. Recalls that the International Covenant on Civil and Political Rights states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

"19. Decides, also in light of recent trends, to appoint, for a three-year period, a thematic special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and requests the Special Rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session;

"20. Encourages the Special Rapporteur, in the discharge of his or her mandate, among other forms of action to make recommendations, including on the provision of advisory services by the Centre for Human Rights, to assist in combating the occurrence of racism, racial discrimination, xenophobia and related intolerance;

"21. Requests the Special Rapporteur to have an exchange of views with the various mechanisms and bodies entrusted with the task of combating racism, racial discrimination, xenophobia or intolerance and, in particular, with the Committee on the Elimination of Racial Discrimination, with a view to enhancing further their effectiveness and mutual cooperation;

"22. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary to perform his or her functions, especially in carrying out missions and following them up;

"23. Recommends the following draft decision to the Economic and Social Council for adoption:

> "'The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/... of ... February 1993, approves the Commission's decision to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary to perform his or her functions, especially in carrying out missions and following them up, and further approves the Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fiftieth session.'"

633. At the 48th meeting, on 2 March 1993, the observer for Turkey introduced a revised draft resolution (E/CN.4/1993/L.20/Rev.1), sponsored by Turkey*. Brazil, Canada, Chile, Colombia, Cuba, Indonesia, Malaysia, Mexico, New Zealand*, Norway*, Pakistan, the Sudan and Tunisia subsequently joined the sponsors.

634. Statements in connection with the revised draft resolution were made by the representative of Austria and the observer for Denmark (on behalf of the European Community and its member States).

635. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.20/Rev.1.

636. The draft resolution was adopted without a vote.

637. A statement in explanation of his delegation's position was made by the representative of Japan.

638. Subsequently, at the 69th meeting, on 12 March 1993, the representative of Malaysia also made a statement.

639. For the text as adopted, see chapter II, section A, resolution 1993/20.

640. In view of the adoption of resolution 1993/20 (see paras. 633-639 above), draft resolution E/CN.4/1993/L.29 was withdrawn by the sponsors.

XVII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

641. The Commission considered agenda item 17 concurrently with items 7, 8 and 18 (see chaps. VII, VIII and XVIII) at its 17th to 21st meetings, on 11, 12 and 15 February, at its 42nd meeting, on 26 February, and at its 57th and 58th meetings, on 5 March 1993. 1/

642. The Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1993/69):

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/34).

643. In the general debate on agenda item 17, statements 3/ were made by the following members of the Commission: Australia (17th), Bulgaria (21st), Canada (21st), Chile (18th), Finland (19th), Poland (21st), Romania (21st), Russian Federation (21st), United Kingdom of Great Britain and Northern Ireland (21st).

644. The Commission also heard a statement by the observer for Hungary (18th).

645. At its 42nd meeting, the Commission took up consideration of the draft resolutions submitted under item 17.

646. The observer for Norway introduced draft resolution E/CN.4/1993/L.23, sponsored by Argentina, Australia, Bulgaria, Cameroon*, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark*, Finland, Hungary*, Italy*, the Netherlands, New Zealand*, Norway*, Peru, Poland, Portugal, Romania, Russian Federation, Slovakia*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Austria, Colombia, Germany, Madagascar*, Nicaragua* and the Republic of Korea subsequently joined the sponsors.

647. The draft resolution was adopted without a vote.

648. For the text as adopted, see chapter II, section A, resolution 1993/15.

649. At the same meeting, the Commission postponed consideration of draft resolution E/CN.4/1993/L.25, sponsored by the Russian Federation. The draft resolution read as follows:

> "The Commission on Human Rights,
>
> "*Affirming* that the consistent and effective implementation of international human rights instruments is of major importance to the strengthening of peace, international cooperation and promotion of universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Bearing in mind the considerable changes within the international community, connected with the emergence of new States which are the successors of those States that have been responsible for the obligations under international human rights treaties of the relevant territories before the date of succession,

"Emphasizing the special importance of the observance of universal standards of human rights for the maintenance of stability and the rule of law in any State,

"Noting that the non-participation of these States in international human rights treaties impedes their full-scale cooperation with the United Nations human rights bodies and their contribution to efforts by the international community for the universal enjoyment of human rights and fundamental freedoms,

"1. Expresses its satisfaction that some of the aforementioned States have already become parties to international human rights treaties or have notified their succession to those treaties;

"2. Urges those States that have not yet done so to consider without delay the issue of their succession in respect of international human rights treaties, as well as to accede to or ratify those international human rights treaties to which the predecessor States have not been parties;

"3. Requests the Secretary-General to render advisory services to these States Members of the United Nations with respect to their succession or accession to international human rights treaties and to report to the Commission on Human Rights at its fiftieth session in regard to action taken under this agenda item;

"4. Decides to continue the consideration of this question at its fiftieth session under the agenda item entitled 'Status of the International Covenants on Human Rights'."

650. At the 58th meeting, on 5 March 1993, the representative of the Russian Federation introduced a revised draft resolution (E/CN.4/1993/L.25/Rev.1), sponsored by Argentina, Australia, Belgium*, Canada, the Czech Republic, France, Greece*, Portugal, the Russian Federation, Slovakia*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Angola, Germany and Poland subsequently joined the sponsors.

651. The draft resolution was adopted without a vote.

652. For the text as adopted, see chapter II, section A, resolution 1993/23.

XVIII. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

653. The Commission considered agenda item 18 concurrently with items 7, 8 and 17 (see chaps. VII, VIII and XVII) at its 17th to 21st meetings, on 11, 12 and 15 February, and at its 42nd meeting, on 26 February 1993. 1/

654. The Commission had before it the note by the Secretary-General transmitting to the General Assembly the report of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628).

655. In the general debate on agenda item 18, statements 3/ were made by the following members of the Commission: Australia (17th), Bulgaria (21st), Canada (21st), Finland (19th), Poland (21st), Romania (21st), United Kingdom of Great Britain and Northern Ireland (21st).

656. The Commission heard a statement by the observer for Hungary (18th).

657. The Commission also heard a statement by the following non-governmental organization: International Commission of Jurists (18th).

658. At the 42nd meeting, the representative of Canada introduced draft resolution E/CN.4/1993/L.34, sponsored by Argentina, Australia, Austria, Canada, Chile, Cyprus, the Czech Republic, Denmark*, Finland, France, the Netherlands, New Zealand*, Norway*, Poland, Portugal and Sweden*. Cameroon*, Germany, Italy* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

659. The draft resolution was adopted without a vote.

660. A statement in explanation of his delegation's position was made by the representative of Japan.

661. For the text as adopted, see chapter II, section A, resolution 1993/16.

XIX. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FOURTH SESSION

662. The Commission considered agenda item 19 at its 25th to 27th meetings, on 17 and 18 February, and at its 57th meeting, on 5 March 1993. 1/

663. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fourth session (E/CN.4/1993/2);

Report of the Secretary-General on the draft programme of action for the prevention of traffic in persons and of the exploitation of the prostitution of others prepared pursuant to Commission on Human Rights resolution 1992/36 (E/CN.4/1993/58 and Add.1);

Note by the Secretariat on the United Nations Trust Fund on Contemporary Forms of Slavery (E/CN.4/1993/59);

Report of the Chairman of the Sub-Commission at its forty-fourth session, Mr. Miguel Alfonso Martínez, prepared in accordance with paragraph 14 of Commission resolution 1992/66 and Economic and Social Council decision 1992/238 (E/CN.4/1993/60);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/36);

Written statement submitted by the Inuit Circumpolar Conference, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/53).

664. At the 25th meeting, on 17 February 1993, the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session, Mr. Miguel Alfonso Martínez,introduced his report (E/CN.4/1993/60), to the Commission.

665. In the general debate on agenda item 19, statements 3/ were made by the following members of the Commission: Australia (25th), Canada (25th), China (26th), Chile (26th), Netherlands (27th), Nigeria (25th), United Kingdom of Great Kingdom and Northern Ireland (25th), United States of America (26th), Venezuela (27th).

666. The Commission heard a statement by the observer for Norway (25th).

667. The Commission also heard statements by the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (26th), Four Directions Council (26th), Grand Council of the Crees (of Quebec) (25th), Indian Council of South America (25th), International Abolitionist Federation (27th), International Association against Torture (25th), International Educational Development Inc. (26th), International Federation for the Protection of the Rights of

Ethnic, Religious, Linguistic and Other Minorities (27th), International Fellowship of Reconciliation (26th), International Indian Treaty Council (27th), International League for the Rights and Liberation of Peoples (27th), International Work Group for Indigenous Affairs (26th), Inuit Circumpolar Conference (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (26th), Minority Rights Group (27th), Pax Christi (26th).

668. At the 27th meeting, on 18 February 1993, statements in exercise of the right of reply were made by the representatives of Japan and the Republic of Korea.

669. At the same meeting, the Chairman of the Sub-Commission at its forty-fourth session made a concluding statement.

670. At its 57th meeting, the Commission considered the draft resolutions and a draft decision submitted under item 19.

671. The representative of the Netherlands introduced draft resolution E/CN.4/1993/L.58, sponsored by Cyprus, Greece*, Ireland*, the Netherlands, Nigeria, Poland, Portugal and Romania. Angola subsequently joined the sponsors.

672. The draft resolution was adopted without a vote.

673. For the text as adopted, see chapter II, section A, resolution 1993/26.

674. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1993/L.59, sponsored by Cyprus, the Czech Republic, Denmark*, Greece*, Ireland*, the Netherlands, Poland, Portugal and Romania. Belgium*, Colombia, the Islamic Republic of Iran, the Philippines* and the Republic of Korea subsequently joined the sponsors.

675. Statements in connection with the draft resolution were made by the representatives of Cuba, the Netherlands and the Syrian Arab Republic.

676. The representative of Cuba proposed that in operative paragraph 4 of the draft resolution the words ", if they so wish," should be inserted between the words "in writing" and the words "why they feel unable".

677. The amendment proposed by the representative of Cuba was accepted by the sponsors.

678. The draft resolution, as amended, was adopted without a vote.

679. A statement in explanation of his delegation's position was made by the representative of the United States of America.

680. For the text as adopted, see chapter II, section A, resolution 1993/27.

681. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/1993/L.60, sponsored by Austria, Belgium*, Cameroon*, the Czech Republic, Denmark*, Ethiopia*, Finland, France, Germany, Greece*, Iceland*, Ireland*, Italy*, Japan, Luxembourg*, the Netherlands, Norway*, Poland, Portugal, the Russian Federation, Senegal*, Spain*, Sweden* and the United Kingdom of Great Britain and Northern Ireland. The Republic of Korea, Romania and the United States of America subsequently joined the sponsors. France subsequently withdrew from the list of sponsors of the draft resolution.

682. The representative of Germany orally revised the draft resolution by deleting in operative paragraph 6, the words "research and the" between the words "the presentation of" and the words "the results of".

683. A statement in connection with the draft resolution was made by the representative of Cuba.

684. The draft resolution, as orally revised, was adopted without a vote.

685. A statement in explanation of their delegations' positions were made by the representatives of the Islamic Republic of Iran, the United States of America and Venezuela.

686. For the text as adopted, see chapter II, section A, resolution 1993/28.

687. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1993/L.65, sponsored by Algeria*, Argentina, Australia, Canada, Cyprus, the Czech Republic, Denmark*, Finland, Germany, Greece*, the Islamic Republic of Iran, Nigeria, Norway*, the Russian Federation, Senegal*, Sweden*, Turkey*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Angola, Austria, Barbados, El Salvador*, Ireland*, Italy* and the Philippines* subsequently joined the sponsors.

688. The draft resolution was adopted without a vote.

689. For the text as adopted, see chapter II, section A, resolution 1993/29.

690. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1993/L.66, sponsored by Australia, Bolivia*, Canada, Colombia, Cyprus, Denmark*, Greece*, Hungary*, Mexico, New Zealand*, Norway*, the Russian Federation, Senegal* and Sweden*. Angola, the Netherlands and the Philippines* subsequently joined the sponsors.

691. The representative of Canada orally revised the draft resolution as follows:

(a) A new paragraph was inserted as operative paragraph 2 and the subsequent paragraphs were renumbered accordingly;

(b) In old operative paragraph 11, the words "making its best efforts," were inserted between the words "Indigenous Populations," and the words "at its eleventh session".

692. The draft resolution, as orally revised, was adopted without a vote.

693. A statement in explanation of his delegation's position was made by the representative of the United States of America.

694. For the text as adopted, see chapter II, section A, resolution 1993/30.

695. In view of the adoption of resolution 1993/30 (see paras. 690-694), the Commission took no action on draft decision 10 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

696. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1993/L.67, sponsored by Australia, Bolivia*, Canada, Colombia, Cyprus, Greece*, Mexico, New Zealand*, Norway*, Senegal* and Sweden*. Angola, Brazil, Finland and the Netherlands subsequently joined the sponsors.

697. The representative of Canada orally revised the draft resolution by replacing, in operative paragraph 6 (a), the words "for the purpose of completing" by the words "to make its best efforts to complete" and by inserting, in operative paragraph 10, the words "making its best efforts" between the words "Indigenous Populations," and the words "at its eleventh session".

698. The draft resolution, as orally revised, was adopted without a vote.

699. Statements in explanation of their delegations' positions were made by the representatives of Chile and France.

700. For the text as adopted, see chapter II, section A, resolution 1993/31.

701. In view of the adoption of resolution 1993/31 (see paras. 696-700), the Commission took no action on draft decision 9 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

702. At the same meeting, the Commission considered draft decision 13 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

703. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft decision.

704. The draft decision was adopted without a vote.

705. For the text as adopted, see chapter II, section B, decision 1993/105.

XX. RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

706. The Commission considered agenda item 20 at its 22nd and 23rd meetings, on 16 February, and at its 57th meeting, on 5 March 1993. 1/

707. The Commission had before it the following documents:

Note by the Secretary-General (E/CN.4/1993/85);

Note verbale dated 12 February 1993 from the Permanent Representative of the Russian Federation to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/93);

Written statement submitted by the Andean Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/13);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1993/NGO/21);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/37).

708. In the general debate on agenda item 20, statements 3/ were made by the following members of the Commission: Australia (23rd), Austria (23rd), China (23rd), Costa Rica (22nd), Czech Republic (23rd), United States of America (22nd), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (23rd), Malaysia (23rd), Nigeria (23rd), Pakistan (23rd), Poland (23rd), Romania (23rd), Russian Federation (23rd).

709. At its 23rd meeting, the Commission also heard statements by the observers for: Estonia, Hungary, Italy, Lithuania, Myanmar, Viet Nam.

710. The observer for Switzerland also made a statement (23rd).

711. The Commission also heard statements by the following non-governmental organizations: Anglican Consultative Council (22nd), Centre Europe-Tiers Monde (23rd), Commission for the Defence of Human Rights in Central America (23rd), International Association for the Defence of Religious Liberty (22nd), International Educational Development, Inc. (23rd), International Fellowship of Reconciliation (22nd), International Immigrants Foundation, Inc. (23rd), International League for the Rights and Liberation of Peoples (22nd), International Work Group for Indigenous Affairs (22nd), Minority Rights Group (23rd), Pax Romana (22nd), Service, Justice and Peace in Latin America (23rd), World Movement of Mothers (22nd), World Muslim Congress (22nd), World Organization against Torture (22nd).

712. Statements in exercise of the right of reply were made at the 23rd meeting by the representatives of Cuba, India, Pakistan and the Sudan.

713. At the 57th meeting, the representative of Austria introduced draft resolution E/CN.4/1993/L.36, sponsored by Argentina, Armenia*, Australia, Austria, the Czech Republic, Costa Rica, Finland, Greece*, Hungary*, Italy*, Liechtenstein*, Norway*, Poland, the Russian Federation, Switzerland*, Sweden*, and Uruguay. Canada, Nicaragua*, the Republic of Korea, Slovakia* and the United States of America subsequently joined the sponsors.

714. The draft resolution was adopted without a vote.

715. A statement in explanation of his delegation's position was made by the representative of the Islamic Republic of Iran.

716. For the text as adopted, see chapter II, section A, resolution 1993/24.

XXI. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

717. The Commission considered agenda item 21 at its 62nd and 63rd meetings, on 9 March 1993, and at its 67th meeting, on 10 March 1993. 1/

718. The Commission had before it the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1993/61 and Corr.1 and Add.1 and 2).

719. At the 62nd meeting, in the general debate on agenda item 21, statements 3/ were made by the following members of the Commission: Bulgaria, Chile, Lesotho, Romania, Russian Federation.

720. The Commission also heard statements by the observers for: Guatemala (62nd), Denmark (on behalf of the European Community and its member States) (62nd), Morocco (63rd), Norway (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (62nd), Senegal (63rd), Sweden (62nd).

721. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (62nd), Andean Commission of Jurists (63rd), Centre Europe-Tiers Monde (62nd), Commission for the Defence of Human Rights in Central America (62nd), France Libertés: Fondation Danielle Mitterrand (62nd), International Federation of Human Rights (62nd), International Fellowship of Reconciliation (63rd), International Indian Treaty Council (62nd), World University Service (62nd).

722. At its 67th meeting, the Commission took up consideration of draft resolutions and decisions submitted under item 21.

723. The representative of Germany introduced draft resolution E/CN.4/1993/L.84, sponsored by Belgium*, Canada, the Czech Republic, Denmark*, Germany, Greece*, Hungary*, Ireland*, Italy*, Luxembourg*, the Netherlands, Norway*, Portugal, Spain* and Sweden*. Finland and Switzerland* subsequently joined the sponsors.

724. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

725. The draft resolution was adopted without a vote.

726. A statement in explanation of his delegation's position was made by the representative of the United States of America.

727. For the text as adopted, see chapter II, section A, resolution 1993/85.

728. At the same meeting, the representative of the United States of America introduced draft resolution E/CN.4/1993/L.86, sponsored by Argentina, Australia, Austria, Bangladesh, Belgium*, Canada, Cyprus, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy*, Japan, Luxembourg*, Mauritania, Mauritius, the Netherlands, Nigeria, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Spain*, Sri Lanka, Sweden*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Chile, Ethiopia*, the Gambia, Ghana*, New Zealand*, Norway*, Senegal*, Somalia*, Switzerland*, Tunisia and Turkey* subsequently joined the sponsors.

729. Statements in connection with the draft resolution were made by the representatives of Cuba, the Gambia, the Sudan and the Syrian Arab Republic.

730. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

731. The draft resolution was adopted without a vote.

732. For the text as adopted, see chapter II, section A, resolution 1993/86.

733. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/1993/L.99, sponsored by Argentina, Australia, Austria, Belgium*, Burundi, Canada, Chile, Costa Rica, the Czech Republic, Cyprus, Denmark*, Finland, France, Germany, Greece*, Hungary*, Italy*, Kenya, Lesotho, Luxembourg*, the Netherlands, Norway*, Poland, Portugal, Romania, the Russian Federation, Slovakia*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Ireland*, Madagascar* and New Zealand* subsequently joined the sponsors.

734. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

735. The draft resolution was adopted without a vote.

736. For the text as adopted, see chapter II, section A, resolution 1993/87.

737. At the same meeting, the representative of Mexico introduced draft resolution E/CN.4/1993/L.119, sponsored by Argentina, Brazil, Colombia, Costa Rica, Mexico, Peru, Uruguay and Venezuela. Barbados and the United States of America subsequently joined the sponsors.

738. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

739. Statements in connection with the draft resolution were made by the representatives of Austria, Canada, Finland, the Netherlands and the United States of America and by the observer for Denmark (on behalf of the European Community and its member States).

740. The draft resolution was adopted without a vote.

741. For the text as adopted, see chapter II, section A, resolution 1993/88.

XXII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

742. The Commission considered agenda item 22 at its 27th and 28th meetings, on 18 and 19 February, and at its 57th meeting, on 5 March 1993. 1/

743. The Commission had before it the following documents:

> Report submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur appointed in accordance with Commission resolution 1986/20 (E/CN.4/1993/62 and Corr.1 and Add.1);
>
> Report of the Secretary-General (E/CN.4/1993/63);
>
> Letter dated 29 January 1993 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/86);
>
> Letter dated 11 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/118);
>
> Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/27).

744. At the 27th meeting, the Special Rapporteur, Mr. A. V. d'Almeida Ribeiro, introduced his report (E/CN.4/1993/62 and Corr.1 and Add.1) to the Commission.

745. At the same meeting, in the general debate on agenda item 22, statements were made by the following members of the Commission: Austria, China, India, United States of America.

746. Also at the same meeting, the Commission heard statements by the observers for: Iraq, Ireland, Myanmar.

747. At the same meeting the observer for the Holy See made a statement.

748. The Commission also heard statements by the following non-governmental organizations: Baha'i International Community (28th), Christian Democrat International (27th), Indigenous World Association (28th), International Association of Educators for World Peace (28th), International Association for the Defence of Religious Liberty (27th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (28th), International Federation of Human Rights (27th), International Fellowship of Reconciliation (28th), International Immigrants Foundation, Inc. (27th), International Indian Treaty Council (28th), International Organization for the Development of Freedom of Education (27th), International Progress Organization (27th), Pax Christi (27th).

749. A joint statement was made by the International Council of Jewish Women and the World Jewish Congress (27th).

750. Statements in exercise of the right of reply or its equivalent were made by the representatives of Cuba (27th) and the Sudan (27th) and by the observers for Algeria (28th) and Greece (28th).

751. On 1 March 1993, draft resolution E/CN.4/1993/L.50 was submitted by Argentina, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark*, Finland, France, the Gambia, Germany, Greece*, Guatemala*, Hungary*, Iceland*, Ireland*, Italy*, Latvia*, Liechtenstein*, Luxembourg*, the Netherlands, New Zealand*, Norway*, Poland, Portugal, Romania, the Russian Federation, Senegal*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela.

752. At the 57th meeting, the observer for Ireland introduced a revised draft resolution (E/CN.4/1993/L.50/Rev.1), sponsored by the same member and observer States as draft resolution E/CN.4/1993/L.50. Zambia subsequently joined the sponsors. The draft resolution contained the following revisions:

(a) A new paragraph was inserted as the tenth preambular paragraph;

(b) In operative paragraph 5, the words "including those motivated by religious extremism," were inserted between the words "acts of violence" and the words "and to encourage";

(c) A new paragraph was inserted as operative paragraph 9 and the remaining paragraphs were renumbered accordingly;

(d) In old operative paragraph 14, the words ", in carrying out his mandate, to identify situations in which" were replaced by "to consider whether", and the words "in certain situations, at the request of States," were inserted between the words "of assistance" and the words "and to make appropriate".

753. The draft resolution was adopted without a vote.

754. For the text as adopted, see chapter II, section A, resolution 1993/25.

XXIII. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

755. The Commission considered agenda item 23 at its 64th meeting, on 9 March, and at its 67th meeting, on 10 March 1993. 1/

756. The Commission had before it the following documents:

Report of the open-ended working group on its eighth session (E/CN.4/1993/64);

Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/5).

757. At the 64th meeting, the observer for Norway, on behalf of the Chairman-Rapporteur of the open-ended working group, Mr. Jan Helgesen (Norway), presented the report of the working group (E/CN.4/1993/64) to the Commission.

758. At the same meeting, in the general debate on agenda item 23, statements were made by the representatives of: Australia, Chile, China, Cuba, Pakistan.

759. Also at the same meeting, a statement was made by the observer for Iceland (on behalf of Denmark, Finland, Iceland, Norway and Sweden).

760. At the same meeting, the Commission also heard a statement by the International Association of Educators for World Peace, a non-governmental organization.

761. At the same meeting, the observer for Norway, on behalf of the Chairman-Rapporteur, made a concluding statement.

762. At the 67th meeting, the observer for Norway introduced draft resolution E/CN.4/1993/L.91, sponsored by Australia, Austria, Cameroon*, Canada, Chile, the Czech Republic, Denmark*, Finland, Germany, Iceland*, Norway*, Poland, Portugal, Romania, the Russian Federation, Sweden*, Turkey*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Tunisia subsequently joined the sponsors.

763. The observer for Norway orally revised the draft resolution by adding a new paragraph as operative paragraph 3 and renumbering the remaining paragraphs accordingly.

764. Statements in connection with the draft resolution were made by the representatives of Cuba and India.

765. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

766. The draft resolution was adopted without a vote.

767. For the text as adopted, see chapter II, section A, resolution 1993/92.

XXIV. RIGHTS OF THE CHILD, INCLUDING: (a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD; (b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN; (c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR; (d) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

768. The Commission considered agenda item 24 at its 56th, 59th, 60th, 61st and 64th meetings, on 5, 8 and 9 March, and at its 67th meeting, on 10 March 1993. 1/

769. The Commission had before it the following documents:

Report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1993/65);

Note by the Secretariat on the draft programme of action for the elimination of the exploitation of child labour (E/CN.4/1993/66);

Report on the sale of children submitted by Mr. Vitit Muntarbhorn, Special Rapporteur appointed in accordance with Commission resolution 1992/76 (E/CN.4/1993/67 and Add.1);

Letter dated 29 January 1993 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/86);

Note verbale dated 17 February 1993 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/95);

Note verbale dated 19 February 1993 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/99);

Letter dated 3 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/109);

Letter dated 11 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/120);

Written statement submitted by the Friends World Committee for Consultation, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/1).

770. At the 56th meeting, on 5 March 1993, the Special Rapporteur on the sale of children, Mr. Vitit Muntarbhorn, introduced his report (E/CN.4/1993/67 and Add.1) to the Commission.

771. In the general debate on agenda item 24, statements 3/ were made by the following members of the Commission: Argentina (60th), Australia (59th), Austria (60th), Bangladesh (60th), China (59th), Colombia (60th), Cuba (61st), India (61st), Indonesia (60th), Iran (Islamic Republic of) (60th), Kenya (60th), Malaysia (59th), Poland (60th), Sudan (60th), Syrian Arab Republic (60th), Tunisia (60th), United States of America (59th), Venezuela (61st).

772. The Commission also heard statements by the observers for: Denmark (on behalf of the European Community and its member States (59th), Iraq (61st), Italy (61st), Philippines (61st), Spain (61st), Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden)(61st), Yugoslavia (64th).

773. At the 61st meeting, on 8 March 1993, a statement was made by the observer for Switzerland.

774. At the same meeting, a statement was made by the representative of the United Nations Children's Fund.

775. At the same meeting, the Commission heard statements by the following non-governmental organizations: African Association of Education for Development, American Association of Jurists, Centre Europe-Tiers Monde, Commission for the Defence of Human Rights in Central America, France-Libertés: Fondation Danielle Mitterrand, Friends World Committee for Consultation, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Educational Development, Inc., International Federation of Pedestrians, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Save the Children Alliance, Pax Christi, World Federation of Democratic Youth, World Organization against Torture.

776. At the same meeting, joint statements were made by the World Federation of Methodist Women on behalf of: Anti-Slavery Society for the Protection of Human Rights, International Council of Jewish Women, International Council of Women, International Council on Social Welfare, Women's International League for Peace and Freedom, World Union of Catholic Women's Organizations, Zonta International; and by the Baha'i International Community on behalf of: Anti-Slavery Society for the Protection of Human Rights, Disabled People's International, Human Rights Advocates, International Association of Penal Law, International Council of Jewish Women, International Council of Women, International Educational Development, Inc., International Movement for Fraternal Union among Races and Peoples, Planetary Citizens, Women's International League for Peace and Freedom.

777. At the 67th meeting, on 10 March 1993, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 24.

778. The observer for Sweden introduced draft resolution E/CN.4/1993/L.88, sponsored by Angola, Argentina, Australia, Austria, Barbados, Belgium*, Brazil, Canada, Chile, the Czech Republic, Denmark*, Estonia*, Ethiopia*, Finland, France, the Gambia, Germany, Greece*, Honduras*, Hungary*, Iceland*, Ireland*, Italy*, Latvia*, Luxembourg*, Mexico, the Netherlands, Nicaragua*, Norway*, Poland, Portugal, Romania, the Russian Federation, Senegal*, Slovakia*, Spain*, Swaziland*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, Venezuela and Zimbabwe*. Bulgaria, Cuba, Cyprus, Gabon, Kenya, Madagascar*, the Republic of Korea and the Sudan subsequently joined the sponsors.

779. The draft resolution was adopted without a vote.

780. For the text as adopted, see chapter II, section A, resolution 1993/78.

781. At the same meeting, the representative of Colombia introduced draft resolution E/CN.4/1993/L.95, sponsored by Argentina, Barbados, Cameroon*, Chile, China, Colombia, Costa Rica, Cyprus, El Salvador*, Guatemala*, Honduras*, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nicaragua*, Nigeria, Peru, Portugal, the Syrian Arab Republic, Uruguay and Venezuela. Cuba, France and the Republic of Korea subsequently joined the sponsors.

782. The draft resolution was adopted without a vote.

783. A statement in explanation of his delegation's position was made by the representative of Germany.

784. For the text as adopted, see chapter II, section A, resolution 1993/79.

785. At the same meeting, the representative of Venezuela introduced draft resolution E/CN.4/1993/L.96, sponsored by Argentina, Cameroon*, Chile, Colombia, Costa Rica, Portugal, Uruguay and Venezuela. Peru subsequently joined the sponsors.

786. The draft resolution was adopted without a vote.

787. For the text as adopted, see chapter II, section A, resolution 1993/80.

788. In view of the adoption of resolution 1992/80 (see paras. 785-787), the Commission took no action on draft decision 4 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2 chap. I, sect. B).

789. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/1993/L.102, sponsored by Australia, Austria, Brazil, Belgium*, Canada, Cyprus, Colombia, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy*, Liechtenstein*, Luxembourg*, the Netherlands, Poland, Portugal, the Russian Federation, Spain*, Sweden*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland. Argentina, Kenya, Madagascar*, Mexico and Zimbabwe* subsequently joined the sponsors.

790. The draft resolution was adopted without a vote.

791. For the text as adopted, see chapter II, section A, resolution 1993/81.

792. At the same meeting, the representative of Portugal introduced draft resolution E/CN.4/1993/L.109, sponsored by Angola, Argentina, Austria, Barbados, Belgium*, Brazil, Bulgaria, Cameroon*, Canada, Colombia, Costa Rica, Cyprus, the Czech Republic, Denmark*, Finland, France, Greece*, Honduras*, Iceland*, Ireland*, Italy*, Liechtenstein*, the Netherlands, Norway*, Peru, Poland, Portugal, the Russian Federation, Senegal*, Spain*, Sweden*, Switzerland* and Venezuela. The Republic of Korea, Turkey* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

793. The representative of Portugal orally revised the draft resolution as follows:

(a) At the end of the seventh preambular paragraph, the words "which may also often constitute an exploitation of child labour" were added;

(b) In operative paragraph 2, the words "including those" after "Special Rapporteur", were deleted;

(c) In operative paragraph 11, after the words "ensuring the", the word "effective" was inserted;

(d) In operative paragraph 22, the words "in the full discharge of his mandate and" were inserted between the word "Rapporteur" and the words "in order".

794. The draft resolution was adopted without a vote.

795. Statements in explanation of their delegations' positions were made by the representatives of Australia and Cuba.

796. For the text as adopted, see chapter II, section A, resolution 1993/82.

797. At the same meeting, the representative of France introduced draft resolution E/CN.4/1993/L.110, sponsored by Austria, Colombia, France, Germany, Nigeria, Portugal and the Russian Federation. Kuwait*, Madagascar*, Senegal*, Spain*, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe* subsequently joined the sponsors.

798. The representative of France orally revised the draft resolution as follows:

(a) In the eighth preambular paragraph, the word "traumatizing" between the word "particularly" and the word "weapons" was replaced by the word "injurious";

(b) In the ninth preambular paragraph and in operative paragraph 1, the word "often" was inserted between the word "are" and the word "among";

(c) At the end of operative paragraph 2, the phrase "including the recommendation made to the General Assembly to undertake a study in the light of article 45 (c) of the Convention" was added.

799. The draft resolution, as orally revised, was adopted without a vote.

800. A statement in explanation of his delegation's position was made by the representative of the United Kingdom of Great Britain and Northern Ireland.

801. For the text as adopted, see chapter II, section A, resolution 1993/83.

802. At the same meeting, the Commission considered draft decision 1 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

803. The draft decision was adopted without a vote.

804. Statements in explanation of their delegations' positions were made by the representatives of India and the Syrian Arab Republic.

805. For the text as adopted, see chapter II, section B, decision 1993/112.

XXV. WORLD CONFERENCE ON HUMAN RIGHTS

806. The Commission considered agenda item 25 at its 23rd and 25th meetings, on 16 and 17 February 1993. 1/

807. In the general debate on agenda item 25, statements 3/ were made by the following members of the Commission: Australia (23rd), Austria (25th), Brazil (25th), Chile (25th), China (25th), Costa Rica (23rd), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (23rd), India (25th), Japan (25th), Mexico (25th), Poland (25th), Russian Federation (23rd), Sri Lanka (25th), Sudan (25th), Tunisia (25th), United States of America (25th), Venezuela (25th).

808. At the 25th meeting, a statement was made by the observer for Denmark (on behalf of the European Community and its member States).

809. At the same meeting, statements were made by the following non-governmental organizations: American Association of Jurists, Commission for the Defence of Human Rights in Central America, Four Directions Council, International Organization for the Development of Freedom of Education, Inuit Circumpolar Conference, Latin American Federation of Associations of Relatives of Disappeared Detainees.

810. Also at the same meeting, a statement in exercise of the right of reply was made by the representative of Argentina.

XXVI. THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

811. The Commission considered agenda item 26 at its 62nd and 67th meetings on 9 and 10 March 1993. 1/

812. The Commission had before it the report of the Secretary-General prepared pursuant to Commission resolution 1991/65 (E/CN.4/1993/68 and Add.1-3)

813. In the general debate on agenda item 26, statements 3/ were made by the following non-governmental organizations: Centre Europe-Tiers Monde (62nd), Friends World Committee for Consultation (62nd), International Association of Educators for World Peace (62nd), International Educational Development, Inc. (61st), Pax Christi (62nd), War Resisters International (62nd).

814. At the 67th meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1993/L.107, sponsored by Austria, Costa Rica, Hungary*, the Netherlands, Portugal and the United Kingdom of Great Britain and Northern Ireland. Canada, the Russian Federation and the United States of America subsequently joined the sponsors.

815. The representative of the Netherlands orally revised the draft resolution as follows:

(a) In operative paragraph 2, the word "cannot" was replaced by the words "should not", and the word "compulsory" was inserted between the words "performing" and the words "military service";

(b) A paragraph was inserted as operative paragraph 3, and the following paragraphs were renumbered accordingly.

816. A statement concerning the draft resolution was made by the representative of the Syrian Arab Republic.

817. The draft resolution was adopted without a vote.

818. A statement in explanation of his delegation's position was made by the representative of Germany.

819. For the text as adopted, see chapter II, section A, resolution 1993/84.

XXVII. SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

820. The Commission considered agenda item 27 at its 13th to 16th meetings, from 9 to 11 February, and at its 34th and 35th meetings, on 23 February 1993. 1/

821. The Commission had before it the following documents:

Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1992/S-1/1 of 14 August 1992 (E/CN.4/1993/50);

Letters dated 3 February and 29 January 1993 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/84 and E/CN.4/1993/86);

Note by the Secretariat (E/CN.4/1993/92);

Letter dated 19 February 1993 from the Permanent Representative of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/97);

Letter dated 19 February 1993 from the Permanent Representative of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/98);

Letter dated 25 February 1993 from the Executive Director of the United Nations Children's Fund to the Chairman of the Commission on Human Rights (E/CN.4/1993/107);

Letter dated 8 March 1993 from the Permanent Representative of Ireland to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/113);

Letter dated 10 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1993/116);

Letter dated 10 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1993/117);

Written statement submitted by the International Council of Voluntary Agencies, a non-governmental organization in consultative status (category I) (E/CN.4/1993/NGO/29);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/35).

Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/42);

Written statement submitted by International Educational Development, Inc., a non-governmental organizations on the Roster (E/CN.4/1993/NGO/46).

822. At the 13th meeting, on 9 February 1993, Mr. Tadeusz Mazowiecki, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, made a statement in connection with his report (E/CN.4/1993/50).

823. In the general debate on agenda item 27, statements 3/ were made by the following members of the Commission: Australia (15th), Austria (13th and 14th), Bangladesh (15th), Bulgaria (15th), Canada (13th), Chile (14th), China (14th), Cyprus (15th), Finland (14th), Germany (13th), Indonesia (15th), Iran (Islamic Republic of) (16th), Japan (15th), Malaysia (14th), Mauritania (15th), Nigeria (15th), Pakistan (13th), Poland (16th), Republic of Korea (15th), Russian Federation (13th), Sudan (15th), Tunisia (14th), United States of America (13th).

824. The Commission heard statements by the observers for: Albania (16th), Algeria (16th), Bosnia and Herzegovina (13th), Croatia (14th), Denmark (on behalf of the European Community and its member States) (13th), Egypt (14th), Hungary (14th), Morocco (16th), New Zealand (16th), Oman (16th), Philippines (16th), Saudi Arabia (16th), Senegal (15th), Slovenia (16th), Turkey (15th), Yugoslavia (16th).

825. The observer for the Holy See also made a statement (13th).

826. The observer for the Organization of the Islamic Conference made a statement (16th).

827. Statements were also made by the following non-governmental organizations: American Association of Jurists (15th), Amnesty International (15th), Commission of the Churches on International Affairs of the World Council of Churches (14th), Coordinating Board of Jewish Organizations (14th), France-Libertés: Fondation Danielle Mitterand (15th), Human Rights Advocates (15th), International Association of Educators for World Peace (14th), International Commission of Jurists (16th), International Confederation of Free Trade Unions (14th), International Federation of Human Rights (14th), International Fellowship of Reconciliation (15th), International League for Human Rights (14th), International League for the Rights and Liberation of Peoples (15th), International Progress Organization (14th), Minority Rights Group (15th), Pax Christi (14th), World Federalist Movement (15th), World Muslim Congress (16th), World Organization against Torture (13th).

828. A statement equivalent to the right of reply was made by the observer for Croatia (16th).

829. At its 34th meeting, on 23 February 1993, the Commission took up consideration of the draft resolutions submitted under agenda item 27.

830. The observer for Denmark (on behalf of the European Community and its member States) introduced draft resolution E/CN.4/1993/L.16, sponsored by Argentina, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, the Czech Republic, Denmark*, Finland, France, Gabon, Germany, Greece*, Hungary*, Iceland*, Ireland*, Italy*, Japan, Lesotho, the Netherlands, New Zealand*, Norway*, Peru, Poland, Portugal, the Republic of Korea, Romania, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Zambia. Barbados, Cameroon*, Liechtenstein*, Luxembourg*, Madagascar*, Malta* and Mauritius subsequently joined the sponsors. Gabon subsequently withdrew from the list of sponsors of the draft resolution.

831. The observer for Denmark orally revised the draft resolution by substituting a new paragraph for operative paragraph 23, which read as follows:

> "Invites the Security Council to consider establishing an international criminal tribunal to try cases involving violations of international humanitarian law occurring within the territory of the former Yugoslavia and to determine in this context whether the crimes committed fall within the scope of the Convention on the Prevention and Punishment of the Crime of Genocide;".

832. Statements in connection with the draft resolution were made by the representatives of Austria, Bangladesh, Canada, Finland, France, Germany, the Islamic Republic of Iran, Malaysia, Nigeria, Pakistan, the Russian Federation, the Sudan, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

833. Statements were also made by the observers for Bosnia and Herzegovina, Croatia, Turkey (as Chairman of the Organization of the Islamic Conference) and Yugoslavia.

834. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1993/L.16.

835. The representative of Malaysia, on behalf of the member States of the Organization of the Islamic Conference, proposed that operative paragraph 8 of the draft resolution be amended as follows:

(a) Insert the words "those involved in" between the words "strongest terms" and the words "all violations";

(b) Delete the words "by all sides to the conflict" after the words "in the former Yugoslavia";

(c) Insert the words "Yugoslav People's Army" between the words "Serb paramilitary forces" and the words "and political and military leaders".

836. At the request of the representative of the Islamic Republic of Iran, a roll-call vote was taken on the proposed amendment to operative paragraph 8.

837. The proposed amendment to operative paragraph 8 was rejected by 29 votes to 13, with 6 abstentions. The voting was as follows:

In favour: Bangladesh, Cuba, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sudan, Syrian Arab Republic, Tunisia.

Against: Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Finland, France, Germany, Japan, Lesotho, Mauritius, Mexico, Netherlands, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Burundi, Gabon, Gambia, India, Kenya, Sri Lanka.

838. The draft resolution, as orally revised, was adopted without a vote.

839. Statements in explanation of their delegations' positions were made by the representatives of: Brazil (35th), Chile (34th), China (34th), Colombia (34th), Cuba (35th), India (34th), Malaysia (69th), Mexico (34th), Russian Federation (34th), Republic of Korea (35th), Sri Lanka (35th).

840. A statement equivalent to the right of reply was made by the observer for Yugoslavia (35th).

841. For the text as adopted, see chapter II, section A, resolution 1993/7.

842. On 15 February 1993, a draft resolution (E/CN.4/1993/L.3) was submitted by Afghanistan*, Albania*, Bahrain*, Bosnia and Herzegovina*, Indonesia, the Islamic Republic of Iran, Jordan*, Kuwait*, Malaysia, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal*, Slovenia*, Somalia*, the Sudan, Turkey*, the United Arab Emirates* and Yemen*, reading as follows:

"Abuse and rape of women and children in the territory of the former Yugoslavia

"The Commission on Human Rights,

"In conformity with the Charter of the United Nations, international law and all the relevant human rights instruments, in particular the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and international humanitarian law, in particular the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, and General Assembly resolution 3074 (XXVIII) of 3 December 1973,

"Appalled at the recurring and substantiated reports of widespread abuse and rape of women and children, in particular their systematic use by Serbian forces against Muslim women and children in the Republic of Bosnia and Herzegovina,

"Convinced that these heinous practices constitute a deliberate weapon of war in fulfilling the Serbian policy of ethnic cleansing which, as stated in General Assembly resolution 47/121 of 17 December 1992, is a form of genocide,

"Recalling the relevant resolutions of the Security Council and the General Assembly which, *inter alia*, condemned the savage and abhorrent practice of rape,

"1. Condemns in the strongest possible terms the repugnant practices of abuse and rape of women and children in the territory of the former Yugoslavia, and especially their use by the Serbian forces as a weapon of war against Muslim women and children as an integral part of the policy of ethnic cleansing in the Republic of Bosnia and Herzegovina;

"2. Appeals to all Member States and United Nations bodies to provide the victims with all necessary assistance for their physical and mental rehabilitation;

"3. Urges all States Members of the United Nations to take all necessary measures, as provided for in the Charter of the United Nations, aimed at putting an end to these despicable practices;

"4. Demands that, in accordance with international law and bearing in mind the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, the States Members of the United Nations individually and collectively bring to justice all those individuals involved directly or indirectly in these outrageous crimes;

"5. Requests the Secretary-General to submit a report on the implementation of the present resolution to the members of the Commission on Human Rights not later than 30 June 1993."

843. On 17 February 1993, a draft resolution (E/CN.4/1993/L.8) was submitted by Australia, Austria, Belgium*, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark*, Finland, France, Germany, Greece*, Hungary*, Iceland*, Ireland*, Italy*, Japan, Luxembourg*, the Netherlands, Norway*, Poland, Portugal, Romania, Rwanda*, Slovakia*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America, reading as follows:

"Rape and abuse of women in the territory of the former Yugoslavia

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977,

"Appalled by reports of widespread rape and abuse of women, particularly Muslim women, and children in the former Yugoslavia, which indicate that this is part of a deliberate pattern, forming an important element of war strategy,

"Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992, which, *inter alia*, strongly condemned these acts of unspeakable brutality,

"Recalling General Assembly resolution 47/147 of 18 December 1992 and its resolution 1992/S-2/1 of 1 December 1992 which, *inter alia*, condemned the systematic practice of rape,

"Welcoming the initiatives taken by the Special Rapporteur on the situation of human rights in the former Yugoslavia, particularly his prompt dispatch of a team of female experts to the former Yugoslavia to investigate the allegations of rape and abuse of women,

"Welcoming also the initiative of the European Council on the rapid dispatch of a delegation, led by Dame Anne Warburton, to investigate the treatment of Muslim women in the former Yugoslavia,

"Noting with concern the findings of the team dispatched by the Special Rapporteur (E/CN.4/1993/50, annex II) and those of the European Community mission (S/25240),

"Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

"1. Strongly condemns the abhorrent practices of rape and abuse of women, particularly Muslim women, in the former Yugoslavia which, in the circumstances, constitute a war crime;

"2. Demands that the parties involved cease immediately these outrageous acts, which are in breach of the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, and take all necessary measures to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under these and other international human rights instruments;

"3. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other grave breaches of international humanitarian law are individually responsible for those breaches, that those in positions of authority who fail adequately to ensure that persons under their control comply with the relevant international instruments are also accountable and that the international community will exert every effort to bring those responsible for such violations to justice, and, in this context, invites the Security Council to consider establishing an international criminal tribunal to try cases involving violations of international humanitarian law occurring within the territory of the former Yugoslavia;

"4. Commends the Special Rapporteur for his latest report (E/CN.4/1993/50) on the situation of human rights in the former Yugoslavia containing, inter alia, the report of the team of experts on the rape and abuse of women;

"5. Commends also the report of the European Community mission;

"6. Expresses its grave concern at the detailed evidence in these reports of the rape and abuse of women;

"7. Urges all States and all intergovernmental and non-governmental organizations concerned, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to provide to the victims of rape and abuse appropriate assistance for their physical and mental rehabilitation;

"8. Requests the Special Rapporteur to pursue the specific investigation of the rape and abuse of women in the territory of the former Yugoslavia, including the dispatch of a qualified team of female experts, to coordinate this task with the relevant thematic rapporteurs of the Commission and with the European Community mission, and to submit a further report to the Commission;

"9. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

"10. Decides to remain seized of the matter."

844. Draft resolutions E/CN.4/1993/L.3 and E/CN.4/1993/L.8 were subsequently withdrawn by the sponsors.

845. At the 34th meeting, the representative of the United States of America introduced draft resolution E/CN.4/1993/L.21 sponsored by Afghanistan*, Albania*, Argentina, Australia, Austria, Bahrain*, Bangladesh, Belgium*, Canada, Chile, Costa Rica, Croatia*, the Czech Republic, Denmark*, Finland, France, Germany, Hungary*, Iceland*, Indonesia, the Islamic Republic of Iran, Ireland*, Italy*, Jordan*, Kuwait*, Liechtenstein*, Luxembourg*, Malaysia*, Morocco*, the Netherlands, New Zealand*, Norway*, Oman*, Pakistan, Peru, Poland, Qatar*, Saudi Arabia*, Senegal*, Slovakia*, Spain*, the Sudan, Sweden*, the Syrian Arab Republic, Tunisia, Turkey*, the United States of America, Uruguay and Yemen*. Azerbaijan*, Bosnia and Herzegovina*, Cameroon*, Cyprus, the Gambia, Lesotho, Madagascar*, Malta*, Mauritius, Myanmar*, Nigeria, the Philippines*, the Republic of Korea, Singapore* and the United Arab Emirates* subsequently joined the sponsors.

846. The representative of the United States of America orally revised the draft resolution by substituting a new paragraph for operative paragraph 7, which read as follows:

> "*Invites* in this context the Security Council to consider establishing an international criminal tribunal to try cases involving violations of international humanitarian law occurring within the territory of the former Yugoslavia;".

847. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

848. A statement in connection with the draft resolution was made by the observer for Yugoslavia.

849. The draft resolution, as orally revised, was adopted without a vote.

850. Statements in explanation of their delegations' positions were made by the representatives of: Brazil (35th), Colombia (34th), Malaysia (69th), Mexico (34th), Russian Federation (34th).

851. For the text as adopted, see chapter II, section A, resolution 1993/8.

XXVIII. COMMEMORATION OF THE INTERNATIONAL YEAR OF THE WORLD'S INDIGENOUS PEOPLE

852. The Commission commemorated the International Year of the World's Indigenous People under agenda item 28 at its 24th and 25th meetings, on 17 February 1993. 1/

853. The Commission had before it a written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1993/NGO/40).

854. At its 24th meeting, the commemoration was opened by the Chairman of the Commission.

855. At the same meeting, the Commission was addressed by the Chairman of the Commission and by Mr. Antoine Blanca, Under-Secretary-General for Human Rights and Coordinator of the International Year, Ms. Erica-Irene A. Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Ligia Galvis, Chairperson of the Technical Meeting on the International Year, and Ms. Rigoberta Menchú Tum, goodwill ambassador for the International Year and Nobel Peace Prize laureate for 1992.

856. At the same meeting, the Commission heard statements 3/ by the following non-governmental organizations: Four Directions Council, Grand Council of the Crees (of Quebec), Indian Council of South America, Indigenous World Association, Inuit Circumpolar Conference, International Indian Treaty Council, International Organization of Indigenous Resource Development, International Work Group for Indigenous Affairs, Nordic Saami Council, World Council of Indigenous Peoples.

857. At the same meeting, the Commission also heard a statement by the International League for the Rights and Liberation of Peoples on behalf of the other non-governmental organizations participating in the session.

858. At its 25th meeting, the Commission heard statements by the representatives of Australia, Chili (on behalf of the Latin American States), Canada, the Islamic Republic of Iran (on behalf of the Asian States), the Russian Federation (on behalf of the Eastern European States) and the United States of America, and by the observers for New Zealand (on behalf of the Western and other States), Slovakia (on behalf of the Czech Republic, Poland and Slovakia) and Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden).

XXIX. DRAFT PROVISIONAL AGENDA FOR THE FIFTIETH SESSION OF THE COMMISSION

859. The Commission considered agenda item 29 at its 69th meeting, on 12 March 1993. 1/

860. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1993/L.1) containing a draft provisional agenda for the fiftieth session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their consideration.

861. The Commission took note of the draft provisional agenda, as modified by decisions taken at the forty-ninth session.

862. The draft provisional agenda for the fiftieth session of the Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

   Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

   Documentation:

   (a) Report of the independent expert on the situation of human rights in Guatemala (paragraphs 18 and 19 of resolution 1993/88), to be considered under the item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item "Advisory services in the field of human rights".

   (b) Report of the independent expert on El Salvador (paragraphs 9 and 10 of resolution 1993/93), to be considered under the relevant agenda item in the light of the independent expert's report, it being understood that if there is a substantial improvement it will be considered under the item "Advisory services in the field of human rights".

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

   Legislative authority: Commission resolutions 1993/1 and 1993/2 A and B.

Documentation:

(a) Report of the Special Rapporteur (paragraph 4 of resolution 1993/2 A);

(b) Reports of the Secretary-General (paragraph 6 of resolution 1993/1, paragraph 7 of resolution 1993/2 A and paragraph 6 of resolution 1993/2 B);

(c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation (paragraph 8 of resolution 1993/2 A).

5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.

Legislative authority: Commission resolution 1993/9.

Documentation:

Interim report of the Ad Hoc Working Group of Experts (paragraph 29).

6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa.

Legislative authority: Commission resolution 1993/18.

Documentation:

Report of the Secretary-General (paragraph 11).

7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development.

Legislative authority: Commission resolution 1993/12, 1993/13, 1993/14, 1993/21 and 1993/77 and decisions 1993/103 and 1993/104.

Documentation:

(a) Reports of the Secretary-General (paragraph 5 of resolution 1993/12, paragraph 13 of resolution 1993/13);

(b) Report of the independent expert on the right to own property (paragraph 5 of resolution 1993/21);

(c) Analytical report of the Secretary-General on the practice of forced evictions (paragraph 6 of resolution 1993/77).

8. Question of the realization of the right to development.

Legislative authority: Commission resolution 1993/22.

Documentation:

Report of the Working Group on the Right to Development (paragraph 11).

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1993/4, 1993/5, 1993/6 and 1993/17.

Documentation:

Report of the Special Rapporteur on mercenaries (paragraph 4 of resolution 1993/5).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Legislative authority: Commission resolutions 1993/32, 1993/33, 1993/34, 1993/35, 1993/36, 1993/37, 1993/38, 1993/39, 1993/40, 1993/41, 1993/42, 1993/43, 1993/44 and 1993/45.

Documentation:

(a) Report of the Secretary-General (paragraph 6 of resolution 1993/33);

(b) Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (paragraph 2 of resolution 1993/34);

(c) Report of the Working Group on Enforced or Involuntary Disappearances (paragraph 19 of resolution 1993/35);

(d) Report of the Working Group on Arbitrary Detention (paragraph 18 of resolution 1993/36);

(e) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (paragraph 9 of resolution 1993/37);

(f) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (paragraph 7 of resolution 1993/38);

(g) Updated report of the Secretary-General on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, and on the implementation of resolution 1993/39 (paragraph 10);

(h) Report of the Special Rapporteur on the question of torture (paragraph 25 of resolution 1993/40);

(i) Annual report of the Special Rapporteur on human rights and states of emergency (draft decision 15 recommended to the Economic and Social Council for adoption (resolution 1993/42));

(j) Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (paragraph 18 of resolution 1993/45).

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

(d) Human rights, mass exoduses and displaced persons.

Legislative authority: Commission resolutions 1993/46, 1993/47, 1993/48, 1993/49, 1993/50, 1993/51, 1993/52, 1993/53, 1993/54, 1993/55, 1993/56, 1993/57, 1993/58, 1993/59, 1993/70 and 1993/95.

Documentation:

(a) Report of the Secretary-General (paragraph 7 of resolution 1993/46);

(b) Report of the Secretary-General (paragraph 12 of resolution 1993/47);

(c) Report of the Secretary-General on public information activities (paragraph 17 of resolution 1993/49);

(d) Report of the Secretary-General on the state of regional arrangements for the promotion and protection of human rights (paragraph 15 of resolution 1993/51);

(e) Final report of the Special Rapporteur on problems and causes of discrimination against people infected with the human immunodeficiency virus (HIV) or people with acquired immunodeficiency syndrome (AIDS) (paragraph 7 of resolution 1993/53);

(f) Report of the Secretary-General on civil defence forces (paragraph 2 of resolution 1993/54);

(g) Report of the Secretary-General on action taken in relation to the declaration of a decade for human rights education (paragraph 10 of resolution 1993/56);

(h) Report of the Secretary-General on the progress achieved in the implementation of resolution 1993/57 (paragraph 13);

(i) Report of the Secretary-General (paragraph 2 of resolution 1993/58);

(j) Report of the Secretary-General (paragraph 14 of resolution 1993/59);

(k) Report of the Secretary-General on early warning and preventive diplomacy (paragraph 16 of resolution 1993/70);

(l) Annual report of the representative of the Secretary-General on internally displaced persons (paragraph 9 of resolution 1993/95);

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.

Legislative authority: Commission resolutions 1993/7, 1993/60, 1993/61, 1993/62, 1993/63, 1993/64, 1993/66, 1993/67, 1993/68, 1993/69, 1993/71, 1993/73, 1993/74, 1993/75, 1993/76 and 1993/97 and decision 1993/109.

Documentation:

(a) Reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (paragraph 32 of resolution 1993/7);

(b) Report of the Special Rapporteur on the situation of human rights in the Sudan (paragraph 13 of resolution 1993/60);

(c) Report of the Secretary-General on the situation of human rights in Zaire (paragraph 6 of resolution 1993/61);

(d) Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (paragraph 13 of resolution 1993/62);

(e) Report of the Special Rapporteur on the situation of human rights in Cuba (paragraph 11 of resolution 1993/63);

(f) Report of the Secretary-General (paragraph 6 of resolution 1993/64);

(g) Report of the Special Rapporteur on the situation of human rights in Afghanistan (paragraph 15 of resolution 1993/66);

(h) Report of the Secretary-General on the situation of human rights in southern Lebanon (paragraph 6 of resolution 1993/67);

(i) Final report of the Special Rapporteur on the situation of human rights in Haiti (paragraph 11 of resolution 1993/68);

(j) Report of the Special Rapporteur on the situation of human rights in Equatorial Guinea (paragraph 13 of resolution 1993/69);

(k) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (paragraph 5 of resolution 1993/71);

(l) Report of the Special Rapporteur on the situation of human rights in Myanmar (paragraph 16 of resolution 1993/73);

(m) Report of the Special Rapporteur on the situation of human rights in Iraq (paragraph 14 of resolution 1993/74);

(n) Report of the Secretary-General on the situation of human rights in Togo (paragraph 5 of resolution 1993/75);

(o) Report of the Secretary-General on human rights violations in Bougainville (paragraph 3 of resolution 1993/76);

(p) Report of the Secretary-General on the situation in East Timor (paragraph 12 of resolution 1993/97);

(q) Report of the Secretary-General on the question of human rights in Cyprus (decision 1993/109).

13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

Legislative authority: Commission resolution 1993/89.

Documentation:

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (paragraph 5).

14. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

Legislative authority: Commission resolutions 1993/11 and 1993/20.

Documentation:

(a) Report of the Secretary-General (paragraph 8 of resolution 1993/11);

(b) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance (paragraph 10 of resolution 1993/20).

15. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolutions 1993/15 and 1993/23.

Documentation:

(a) Report of the Secretary-General (paragraph 17 of resolution 1993/15);

(b) Report of the Secretary-General (paragraph 4 of resolution 1993/23).

16. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission resolution 1993/16.

17. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session.

Legislative authority: Commission resolutions 1993/27 and 1993/28.

Documentation:

(a) Report of the Secretary-General (paragraph 8 of resolution 1993/27);

(b) Report of the Chairman of the Sub-Commission (paragraph 12 of resolution 1993/28).

18. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

Legislative authority: Commission resolution 1993/24.

Documentation:

Report of the Secretary-General (paragraph 7).

19. Advisory services in the field of human rights.

Legislative authority: Commission resolutions 1993/6, 1993/65, 1993/72, 1993/85, 1993/86 and 1993/87.

Documentation:

(a) Report of the Special Representative on the situation of human rights in Cambodia (paragraph 6 of resolution 1993/6);

(b) Report of the Secretary-General on the situation of human rights in Albania (paragraph 3 of resolution 1993/65);

(c) Report of the Secretary-General on the situation of human rights in Romania (paragraph 9 of resolution 1993/72);

(d) Report of the independent expert on assistance to Somalia in the field of human rights (paragraph 6 of resolution 1993/86);

(e) Report of the Secretary-General on the progress in the implementation of the programme of advisory services and technical assistance (paragraph 31 of resolution 1993/87).

20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1993/25.

Documentation:

(a) Report of the Special Rapporteur (paragraph 20);

(b) Report of the Secretary-General on measures to implement resolution 1993/25 (paragraph 21).

21. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1993/92.

22. Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Programme of Action for the Elimination of the Exploitation of Child Labour;

(d) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

Legislative authority: Commission resolutions 1992/74, 1993/78, 1993/79, 1993/80, 1993/81, 1993/82 and decision 1993/112.

Documentation:

(a) Report of the Sub-Commission on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (paragraph 8 of resolution 1992/74);

(b) Report of the Secretary-General on the status of the Convention on the Rights of the Child (paragraph 18 of resolution 1993/78);

(c) Report of the Special Rapporteur on the sale of children (paragraph 22 of resolution 1993/82);

(d) Report of the Secretary-General (decision 1993/112).

23. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Legislative authority: Economic and Social Council resolutions 1334 (XLIV) and 1986/35 and decisions 1978/21 and 1987/102.

Documentation:

Note by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission.

24. Draft provisional agenda for the fifty-first session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-first session of the Commission, together with information concerning documentation relating thereto.

25. Report to the Economic and Social Council on the fiftieth session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXX. ADOPTION OF THE REPORT

863. At its 69th meeting, on 12 March 1993, the Commission considered the draft report on the work of its forty-ninth session. The draft report, as amended in the course of the discussion, was adopted.

Notes

1/ Summary records of each of the meetings are subject to correction. They are considered as final with the issuance of a consolidated corrigendum (E/CN.4/1993/SR.1-70/Corrigendum).

2/ An estimate of the administrative and programme budget implications of Commission resolutions and decisions appears in annex III.

3/ The number in parentheses following the name of a State or organization indicates the meeting at which the statement was made.

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